



The Yukon Legislative Assembly

Number 19

4th Session

24th Legislature

HANSARD

Monday, November 23, 1981 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Grafton Njootli, MLA, Old Crow

CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Chris Pearson	Whitehorse Riverdale North	Government House Leader — responsible for Executive Council Office, Public Service Commission, Land Claims and Intergovernmental Relations.
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Renewable Resources, Tourism and Economic Development.
Hon. Geoffrey Lattin	Whitehorse North Centre	Minister responsible for Municipal and Community Affairs, Highways and Public Works, Yukon Housing Corporation and Yukon Liquor Corporation.
Hon. Meg McCall	Klondike	Minister responsible for Health and Human Resources, Education and Information Services.
Hon. Howard Tracey	Tatchun	Minister responsible for Justice, Consumer and Corporate Affairs, Government Services and Workers' Compensation Board.

Government Members

(Progressive Conservative)

Al Falle	Hootalinqua
Robert Fleming	Campbell
Doug Graham	Whitehorse Porter Creek West
Peter Hanson	Mayo
Grafton Njootli	Old Crow
Donald Taylor	Watson Lake

Opposition Members

(New Democratic Party)

Tony Penikett	Whitehorse West
Maurice Byblow	Faro
Roger Kimmerly	Whitehorse South Centre

(Liberal)

Ron Veale	Whitehorse Riverdale South
Alice P. McGuire	Kluane

Clerk of Assembly
Clerk Assistant (Legislative)
Clerk Assistane (Administrative)
Sergeant-at-Arms
Hansard Administrator

Patrick L. Michael
Missy Follwell
Jane Steele
G.I. Cameron
Dave Robertson

**Whitehorse, Yukon
Monday, November 23, 1981**

Mr. Speaker: I will now call the House to Order.
We will proceed at this time with Prayers.

Prayers

Mr. Speaker: Before proceeding with the Order Paper today, I would like to reintroduce two pages who come from Haines Junction today to continue the service of the House. They are Devron Hurlburt and Happy Brewster and I am sure all Members would welcome these pages back who have come such a distance to serve the Assembly.

Applause

Mr. Speaker: We will now proceed to the Order Paper.

ROUTINE PROCEEDINGS

Mr. Speaker: Are there any Returns or Documents for Tabling?

Tabling of Returns and Documents

Mr. Speaker: The Chair has one item for Tabling respecting Motion Number 20. A matter of correspondence from Patrick MacDonald, Correspondence Co-ordinator, Prime Minister's Office.

Are there any Reports of Standing and Special Committees?

Are there any Petitions?

Introduction of Bills?

Are there any Notices of Motion for the Production of Papers?

Notices of Motions?

Notices of Motion

Mr. Graham: Moved by myself, seconded by the Honourable Member for Campbell that the Membership of the Standing Committee on Statutory Instruments be revised.

Mr. Speaker: Are there any further Notices of Motion? Ministerial Statements?

Motion of Urgent and Pressing Necessity

Hon. Mr. Pearson: I rise on a point of urgent and pressing necessity, pursuant to Standing Order 31. I seek the unanimous consent of the House for the waiving of Notices of Motions under Standing Order 30, to discuss a subject that I feel must be discussed today with respect to support that this Legislature might wish to forward to the Legislature of the Northwest Territories, who are dealing with the question of Sections 41(e) and (f) in the *Constitution Act, 1981*.

Mr. Speaker: Does the Honourable Member have unanimous consent under Standing Order 31?

Agreed

Hon. Mr. Pearson: I move, seconded by the Honourable Minister of Justice, that the Yukon Legislative Assembly supports the efforts of the Legislative Assembly of the Northwest Territories to have Clauses 41(e) and 41(f) of the *Constitution Act, 1981*, now before the House of Commons, removed. And that this Legislature further seeks the inclusion in the *Constitution Act, 1981*, of a clause that will provide for the capability of new provinces to be created under similar circumstances to the *British North America Act, of 1871*.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Justice, that the Yukon Legislative Assembly supports the efforts of the Legislative Assembly of the Northwest Territories to have Clauses 41(e) and 41(f) of the *Constitution Act, 1981*, now before the House of Commons, removed, and that this Legislature further seeks the inclusion in the *Constitution Act, 1981*, of a clause that will provide for the capability of new provinces to be created under similar circumstances to the *British North America Act, of 1871*.

As there is no debate allowable, under Standing Order 31, it is the duty of the Chair to put the question.

Motion agreed to

QUESTION PERIOD

Question re: Goldrush River Tours leases on Yukon River.

Mr. Penikett: I have a question for the Government Leader. It concerns the news reports of last week.

Given that the Territorial Government was represented on the Committee that granted Goldrush Tours commercial leases on the Yukon River by officials from Renewable Resources and Community Affairs, could I ask the Government Leader if these representatives had instructions from Cabinet as to this Government's position in respect to that application?

Hon. Mr. Pearson: No, to the best of my knowledge the representatives had no instructions from the Cabinet.

Mr. Penikett: In view of the concern expressed publicly that this was a unique application, and that other applicants for similar lands may not have been accepted, and in view of the concern about the impact on river basin studies and land claims, could the Government Leader explain why the officials on this Committee were not instructed by the Cabinet? Might he also indicate how the officials are expected to act in circumstances where they have not been briefed?

Hon. Mr. Pearson: Mr. Speaker, I have had no dealings, nor correspondence, nor conversations with any members of that Committee with respect to any applications they have ever had. Before I could properly answer such a question, if, in fact, such a question is proper, I would have to do a considerable amount of research.

Mr. Penikett: Let me ask the Government Leader a question that will require no research. With respect to officials who represent this Government on boards, such as this Land Committee, what standing orders are they under, with respect to representing Government policy on matters like land applications?

Hon. Mr. Pearson: Every member of the Public Service of the Territory is expected to carry out Government policy; that is part of their job. The Government policy, as far as I know, has been carried out in this case.

Question re: Goldrush River Tours

Mr. Veale: I, too, have a question for the Government Leader on the same subject matter.

Was the Government Leader aware that the application was being made by Goldrush River Tours in 1979, when a Minister of his Government, who had an interest in that company, was still a Minister at the time? Was he aware of that application and of the Minister's involvement in it?

Hon. Mr. Pearson: No, and I think I should say that I am not aware that the Minister was involved in it at all.

Mr. Veale: I assume that the Government Leader has done an investigation into this issue. Is the Government Leader now saying that he is not aware of whether or not the Minister of Tourism and Economic Development, at the time, had an interest in Goldrush River Tours Ltd? Is he not aware of that fact?

Hon. Mr. Pearson: Yes. What I have said is that I was not aware of the application.

Mr. Veale: Would the Government Leader advise the House when he first became aware of the application, and his Minister's involvement, in 1979?

Hon. Mr. Pearson: I must say, I have never been aware of the Minister's involvement. We are talking about the present Minister of Justice.

It was brought to my attention by the then Minister of Renewable Resources, some time after the decision was made by the Committee.

Question re: Federal-Territorial Agreement on Apprenticeship and Industrial Training

Mr. Byblow: It is my understanding that the current Federal-Territorial Agreement on Apprenticeship and Industrial Training expires in March, 1982, and that there will be a meeting held to renegotiate that agreement.

Can the Minister say if the Yukon Government will be having representatives at that meeting, and will they be participating?

Hon. Mrs. McCall: I should expect so.

Mr. Byblow: In recognition of Government representation at the meeting, can the Minister say if her Government will be preparing a policy paper, and recommendations on Yukon needs in this area, to be tabled at that meeting?

Hon. Mrs. McCall: The question is being well studied at the moment.

Mr. Byblow: I can appreciate that, but she did not answer my question. Can the Minister say if her Government is preparing a position paper on industrial apprenticeship needs, to be used at the meeting where the agreement will be negotiated?

Hon. Mrs. McCall: My department is preparing a position paper on needs in apprenticeship training.

Question re: Alcohol and Drug counselling

Mr. Kimmerly: A question to the Minister for Alcohol and Drug Services.

It is a fact that 1.6 people are working with Alcohol and Drug Services as Alcohol Counsellors in Whitehorse. These 1.6 people have an active case load of 186 clients, and the full time civil servant has an active case load of approximately 140. Given this task that these workers face, will the Minister immediately hire additional staff?

Hon. Mrs. McCall: I will be making announcements in the near future describing what our plans are in that department.

Mr. Kimmerly: In addition to the time spent interviewing clients, the case workers must keep accurate and detailed records of the clients' medical records, et cetera, which is a time consuming process. Can the Minister tell us now, if, in the statement, she is going to deal with the priorities of these workers?

Hon. Mrs. McCall: The Member opposite will just have to wait until I make the statement.

Mr. Kimmerly: Will the Minister assure us that before making the statement she will personally discuss the problem with the workers involved?

Hon. Mrs. McCall: If it is necessary for the workers to be involved, they will be consulted.

Question re: Cost of fuel and electricity in low cost housing

Mrs. McGuire: I have a question for the Minister responsible for Yukon Housing.

Yukon Housing Committees in rural areas and rural communities have voiced deep concern in regard to the percentage of fuel and electricity costs paid by tenants in low cost housing. Their concern is that the quota paid by tenants is much too high. I ask the Minister, how are over-run quotas arrived at? Were the quotas set by Whitehorse electrical and fuel consumption figures?

Hon. Mr. Lattin: We set those quotas by the averaging of all usage throughout the Territory.

Mrs. McGuire: Reliable housing authorities have said that overrun quotas were based on Whitehorse housing consumption. If this is the case, my question to the Minister is this: will the Minister admit that extra high consumption of fuel and electricity in rural, low cost houses is primarily due to houses in need of repairs, the use of heat tapes, inadequate heating systems, and many other problems not experienced in the Whitehorse area?

Hon. Mr. Lattin: I just finished saying that the rural houses we are talking about were averaged throughout the Territory. We are continually upgrading them, but the overruns could be the result of many factors.

Mrs. McGuire: Until such time as the repairs are done, will the Minister consider lowering the percentage quota for rural areas?

Hon. Mr. Lattin: No.

Question re: Goldrush River Tours lease applications, 1979

Mr. Veale: I have a question for the Government Leader on the subject of the Goldrush River Tours lease applications in 1979. Does the Government Leader know, at this time, if the present Minister of Justice had an interest in Gold Rush River Tours Ltd. at the time of the lease application, when he was also the Minister of this Government?

Hon. Mr. Pearson: Yes.

Mr. Veale: The answer is confusing. Does the Government Leader know if he had an interest, and what was the interest, if he knows?

Hon. Mr. Pearson: The Honourable Member asked me whether I knew whether the Minister of Justice had an interest in Gold Rush River Tours in 1979, and the answer is a loud and clear yes.

Mr. Veale: I would like to ask the Government Leader if he is familiar with the Code of Ethics — and I am sure he is — that was in place at the time? Schedule C sets out some particular concerns, which I will quote: "A Member shall ensure that all his affairs are conducted so that no conflict arises, and no conflict appears to arise, between his private interests and his public duties."

Would the Government Leader agree that there is clearly, at the very least, an appearance of conflict between Mr. Tracey's public duties and his private interests, at the time of that application?

Hon. Mr. Pearson: Obviously, it was not felt that there was any conflict at that point in time, because the matter was not even raised with me. As I say, I was not aware of it until afterwards.

Just to go to one more question that was asked earlier, I have subsequently been advised by the then Minister of Renewable Resources, whose responsibility this was, that the two Territorial people on that Board did not vote. They abstained from voting with respect to that particular application. That is really all I do know about that particular application.

Question re: Inuvik Chamber of Commerce Report on Dempster Highway

Mr. Penikett: If I may take the high road, I have a question about the Dempster Highway.

The Inuvik Chamber of Commerce commissioned an engineer's report which said that it will cost \$61 million to upgrade the Dempster Highway to acceptable standards. The Chamber said that it would send a copy of this report to the Federal Government and Yukon Government and seek financial support for the work that they deem necessary.

I would like to ask the Minister of Highways if he has seen and read this report.

Hon. Mr. Lattin: Yes, I have seen and read the report.

Mr. Penikett: Mr. Dennis Watson, who is Director of Northern Affairs in Yukon, has said that the Yukon Government should consider whether the North Canol or the Dempster has the higher priority, because getting money for both from Ottawa could be difficult. Has the Minister considered this question in terms of these priorities, and has he as yet made any tentative decisions about the choice between these two roads, if he has to make a choice?

Hon. Mr. Lattin: No.

Mr. Penikett: A representative of Yukon Freight Lines has said that several trucks have turned over on narrow sections of the Dempster, and the engineer who conducted the Inuvik study said that sections of the road could collapse any day. Now I understand that some people have said that there is really nothing to be concerned about, but I wonder if the Minister could advise the House what steps he has taken or has indicated may be taken in respect of this matter?

Hon. Mr. Lattin: We are always reviewing our policies and this one is the same. We are reviewing it all the time.

Question re: New trades under Apprenticeship Training Ordinance

Mr. Byblow: I would like to direct my question to the Minister of Education.

In the Government's annual report for the last fiscal year it says that a number of new trades will be designated under the *Apprenticeship Training Ordinance* in the near future. I would like to ask the Minister which trades are being considered.

Hon. Mrs. McCall: In particular, trades affiliated with mining are being considered.

Mr. Byblow: That could be quite a number.

I would then put my question in this form: since mining has held a primary position in the Yukon economy for at least 85 years, will the Government recognize mining skills as a trade, and establish the appropriate training?

Hon. Mrs. McCall: The Member opposite will have to wait until final decisions are made on exactly what trades, but mining is of high importance with the Department.

Mr. Byblow: Could I then ask the Minister when she expects a decision to be reached, with respect to mining as a trade?

Hon. Mrs. McCall: We have not set a specific time. I am afraid that the Member will have to wait until decisions are made on that as well.

Question re: Public Service Commission questionnaire

Hon. Mr. Pearson: I have a reply to a question asked me by the Leader of the Opposition on November 16. The question was in respect to a questionnaire distributed by the Public Service Commission.

I have been advised of the following: the distribution of the questionnaire to Members of this House was unintentional, since it sought information from employees only. The purpose of the questionnaire was identified in general terms in the letter which accompanied it.

The identified purposes were: (a) to carry out analysis of the Yukon Territorial Government work force, in relation to such issues as equal opportunity, training and development, and (b) to support the staffing process by providing an educational employment history profile of each employee.

In relation to the first objective, the questionnaire was distributed as part of a continuing examination by the Commission, of the question of equal opportunity for male and female employees in the Public Service, and the extent to which access to higher level jobs either is a function of education and experience, or, on the other hand, may reflect sexual discrimination.

The Commission included the question relating to age in order to permit an analysis of the cause-effect relationship between age, education, years in the work force, and salary levels. Although the Commission has in its files information on the ages and salaries of all employees, this information was requested in order to avoid expensive and time-consuming file searches to secure information.

With respect to the second objective identified in the letter, the employment educational history of the employees will be used to establish priorities for training, and to assist the Commission in determining the availability of qualified persons within the Service, before deciding on a restricted or public competition.

With respect to the observation that the age of the employee is of no concern to an employer, this is not correct. The Government of Yukon, like most employers, requires every employee to provide evidence of age, and that information is included in the confidential file of each employee. The information is necessary for the administration of pension plans, insurance plans, and a mandatory retirement age specified in the *Public Service Commission Ordinance*.

It should be noted, however, that, in accordance with the provisions of the Federal Human Rights legislation, the Commission does not require applicants for employment to state their ages prior to their employment.

The request for a declaration of truth in the information was included to provide better assurance of reliability concerning the information, particularly as it might be used in the staffing process. The Commission advises, however, that, on reflection, this request, being regarded in the context of a voluntary response questionnaire, was both unnecessary and inappropriate.

I am further advised by the Public Service Commission that almost half of all employees responded to the questionnaire, and only three complaints were made to the Commission, including one complaint by a casual employee who did not receive the questionnaire.

The analysis of the responses has not been completed, and, therefore, no conclusions in relation to the objectives of the research have been reached. When that information is available, it will be communicated to all employees, probably through the medium of the employee newsletter, "The Sluicibox".

Question re: Mental health plan for Yukon

Mr. Kimmerly: The Minister of Health and Human Resources, when questioned recently about a mental health plan for Yukon, replied simply that it was a federal responsibility.

There are emotional stresses unique to being in the North. For that reason, is the Minister considering putting a greater priority toward achieving responsible government and, therefore, YTG control, in the area of mental health?

Hon. Mrs. McCall: I put a great emphasis on the importance of mental health in Yukon, so much so that my Department of Health has been actively seeking the services of a psychiatrist. We think that we are having some success with this. This is an initiative that we took on our own, apart from the federal responsibility in this area.

Mr. Kimmerly: I am certainly pleased about the initiative with regard to a psychiatrist, but the real problem in this area is a system of facilities and services within which a psychiatrist can operate. Is the Minister considering, also, the inclusion of a plan or facility as a support service to the psychiatrist?

Hon. Mrs. McCall: There is already a support system there for psychiatrists, under the federal department. We do feel it is not adequate. We do feel that there should be more emphasis there, but until we take over health services for the Yukon, there is not very much we can do about the federal people.

Mr. Kimmerly: The Minister made a reference to taking over the responsibility. Can the Minister give us a prediction as to when it might occur?

Hon. Mrs. McCall: No, we have been waiting a long time for that responsibility and it has not happened yet. I can not read the minds of the federal people.

Question re: Public input on recreational and historical development of the Yukon River

Mr. Veale: I have a question for the Minister of Renewable Resources. Last Thursday he stated that public input was not required at the present time, regarding policy for the recreational and historical development of the Yukon River. Would the Minister agree that any policy decision made by his Government, with respect to the Yukon River development, should be made public immediately when it is decided on?

Hon. Mr. Lang: No question about it, Mr. Speaker.

Mr. Veale: I thank the Minister for his frank answer. It has been reported that the present Minister of Justice has stated that, "There is no way that the government is going to turn the Yukon River into a Historic Corridor." Would the Minister advise if that is, in fact, a policy decision of this Government?

Hon. Mr. Lang: If the Member refers to last Thursday, I wish he would read Hansard. I did speak last Thursday with respect to the policy on the Yukon River, and mentioned that there were a number of major decisions that would have to be made, with respect to that river and the utilization of it as a corridor. I would say that to just come out flatly and say that it is a historic river and a historic park, on behalf of any Party in this House, would be foolish.

Until such time as we have the ability to see what is going to take place regarding land claims, NCP, and various other major decisions that have to be made in the relatively near future, I think that it would be very unwise for us to say, *carte blanche*, that it is going to be a historic site or a historic corridor.

Mr. Veale: Would the Minister tell us precisely when the Government is going to make such a policy decision, that will encompass all aspects that he has mentioned: NCP, land

claims, recreational development, historical development? When will the Government be making such a decision?

Hon. Mr. Lang: First of all, I should point out that the Member is intimating that it is the total responsibility of this Legislature, and the executive arm of this Legislature, to make that decision. In many respects, as the Member well knows, it is the responsibility of the Government of Canada. They control the land and they control the water. So, I cannot speak for the Honourable Mr. Munro. I understand that sometimes the Member opposite can, and perhaps he could clarify a few of his own questions in the House here. With respect to the various policy decisions to be made, they will be made as the need arises.

Question re: Wolf Creek school bus capacity

Mr. Penikett: I have a question for the Minister of Education.

Some of my constituents tell me that a school bus serving the Wolf Creek Subdivision has frequently carried 80 students, four or five to a seat, during the last few months. I would like to ask the Minister if this is regarded as safe practice, according to departmental policy, or if it is permissible according to regulations?

Hon. Mrs. McCall: The whole question of school buses, seat belts, and so on, is being looked at very closely. A study is being done by the Department of Education right now.

Mr. Penikett: I was not asking about seat belts, a matter about which I understand the Education Council has expressed an opinion. I have searched the Motor Vehicles and Education Ordinances and I am unable to locate any clause limiting the number of passengers a school bus can carry.

Could I ask the Minister if she is aware if Yukon has any such protection by regulation; if not, is she specifically considering that possibility?

Hon. Mrs. McCall: I did not mean that just the question of seat belts was being looked at. I meant that the whole question of safety and school buses was being examined very carefully just now.

Mr. Penikett: I believe most provinces have enacted limits on the number of students school buses can carry, and also require that these numbers be posted on the bus.

Will the Minister specifically consider this?

Hon. Mrs. McCall: Yes, we are comparing our legislation and regulations with all the provinces.

Question re: Northern Vocational Training Course for Dental Technicians

Mr. Byblow: I would like to direct my question to the Minister of Education.

I understand that the Northern Vocational Training Course for Dental Technicians, now located in the Northwest Territories, in Fort Smith, is being relocated to the south, and that Yukon uses that Centre for its training. Has the Minister been made aware of this, through any discussions with her counterpart in the Northwest Territories?

Hon. Mrs. McCall: Not with discussions with my counterpart in the Northwest Territories but I am very well aware of the move of the Dental School, and we have looked at the question and found that it was not suitable to have the school moved to Whitehorse.

Mr. Byblow: I would most logically then ask why could not the program be moved to Whitehorse?

Hon. Mrs. McCall: The program has been so successful that there no longer are the number of patients needing that sort of care. There are many reasons which I can list for the Member, but the question was examined by the Dental Association, in conjunction with the people from the Northwest Territories, and it was their choice. They did not find that the Yukon was any more suitable than the Northwest Territories.

Mr. Byblow: I am not sure about one point the Minister made. Did she canvass the dentists in Yukon, with respect to their views on the relocation of the Fort Smith program?

Hon. Mrs. McCall: I did not canvass the dentists, but my Department did.

Question re: Status of Ketz Court low rental units

Mr. Veale: I have a question for the Minister responsible for Yukon Housing. My question relates to the status of certain Yukon Housing low-rental units which are part of the Ketz Court complex in Riverdale. Would the Minister confirm that, when the Ketz Court complex was sold to a private developer, 24 of the 96 units were leased by the Yukon Government for low-rental housing, subject to the right of that developer to give one year's notice of termination of those leases?

Hon. Mr. Lattin: I am not sure about that.

Mr. Veale: I would appreciate it if the Minister would take the question under advisement, and look into whether or not the notice has been given and, if that notice has been given, then what will the Minister be doing to provide alternate accommodation for the people who will be removed from that housing?

Hon. Mr. Lattin: I will take that under advisement.

Mr. Kimmerly: I have a question for the same Minister. I understand that the Yukon Territorial Government has made an agreement with the Golden Age Society to renovate Greenway House, the building attached to the Lambert Street Senior Citizens' complex. When may we expect the renovations to Greenway House to begin?

Hon. Mr. Lattin: I will take that question under advisement, also.

Mr. Kimmerly: Would the Minister also please take under advisement the question: what renovations and furnishings are now planned, and is there a proposal to re-open negotiations with the Golden Age Society on this point?

Hon. Mr. Lattin: I will take that under advisement.

Question re: Cogasa Gold Company labour contracts

Mr. Penikett: I have a question for the Minister of Justice, in his capacity as the Minister responsible for Labour Standards.

On November 16th, the Minister agreed to look into whether Cogasa Gold Company may have violated the intent of the Yukon *Labour Standards Ordinance*, in respect of its labour contracts. Can the Minister advise the House if he has had a chance to check into this yet?

Hon. Mr. Tracey: I have had an opinion from one of my legal people. I have instructed the Deputy Minister to get me a further legal opinion, to see if there are grounds for prosecution.

Mr. Penikett: The Minister also said he would determine whether Cogasa had required its employees to sign statements identifying themselves as contractors, and not employees, in order to avoid compensation payments and other such things. Has he yet established if those are the facts of the case?

Hon. Mr. Tracey: To the best of my knowledge, yes, those are the facts of the case. It is under investigation right now as to whether we can prosecute the company or not.

To the best of my knowledge, Cogasa signed labour contracts with some of the people working there. I do not know who the people were, but the company actually tried to turn the employees into contractors, to avoid the regulations. As soon as I am aware of whether we can prosecute, I will be prepared to make an announcement in the House.

Mr. Penikett: Since the YTG lawyers have previously, and successfully, argued in court that such service contracts are invalid, could the Minister explain his reason for seeking a second legal opinion?

Hon. Mr. Tracey: The report I got from one of the lawyers in the Department is that he does not feel that there are sufficient grounds to prosecute. I feel very strongly that, even if this was not illegal, it was certainly very devious, and that is why I asked for a second opinion. The one opinion that was given is that we do not have enough evidence, and I am looking for enough evidence to prosecute, and at least have a case.

Question re: Selkirk Street Annex School roof

Mr. Veale: My question is for the Minister of Education. I understand that last summer a new roof was placed on the Selkirk Street Annex School. Would the Minister advise what

the cost of that renovated roof was to the taxpayer?

Hon. Mrs. McCall: I can provide the Member opposite with that figure.

Mr. Speaker: Perhaps that type of question ought to be in written form, as it would not normally be expected that a Minister would have such a figure at her fingertips.

Mr. Veale: I assumed that the Minister's attention to her Department was so precise that she would have it at her fingertips.

I have already heard reports that the renovated roof has a few leaks, and I was wondering if the Minister could confirm whether or not that is the case.

Hon. Mrs. McCall: With respect, I must remind the Member opposite that the question should be directed to the Administrator, not to a politician.

Mr. Veale: I am appalled to hear that politicians no longer have the responsibility for the decisions and activities of their administrators. In any event, will the Minister advise whether the repairs to the roof are going to be made now, or whether they are going to be made next spring, which would mean there will be leaky roofs all winter in that school?

Hon. Mrs. McCall: Indeed, politicians have the responsibility for the decisions made by their bureaucrats, but they have confidence in them that they are making the correct decisions. As far as the leaks in the roof go, I will ask my Administrator and I will get back to the Member.

Question re: Pre-trades Training limit on women at Vocational School

Mr. Byblow: I believe the Minister of Education is very popular today. I have another question for the Minister.

Prefaced by an assessment that Yukon women generally have been very successful in achieving higher salaries in the mining sector, but, as a rule, are receiving fairly low wages in the service sector, I would like to ask the Minister to explain, or undertake to investigate, why there is a ceiling of only 20 in Pre-trades Training for women at the Vocational School?

Hon. Mrs. McCall: I have no idea. I will consult the Vocational School and find out just what the problem is.

Mr. Byblow: Having undertaken to investigate that aspect of it, I would ask the Minister if she would also undertake to investigate whether it is possible to offer that course more than once a year, as is the case now.

Hon. Mrs. McCall: It may be possible. I will come back with that information.

Mr. Byblow: While she is investigating, I would ask whether or not she could investigate the funding made available to people taking the course. I understand that the Yukon Territorial Government's weekly income contribution to the program is about \$70, and Manpower's is about \$90. This, in fact, is hardly enough for someone such as a single parent, trying to get off social assistance. Will she undertake to investigate raising the funding to a little more realistic level?

Hon. Mrs. McCall: We are very conscious of helping people get off social assistance, and if there is something that ought to be looked at there, we can very easily do that.

Question re: Ambulance service on North Alaska Highway

Mr. McGuire: I have a question for the Minister responsible for ambulance service on the north Alaska Highway.

I would like to ask the Minister: was an investigation carried out, in regard to the allegations made that late ambulance service may have been one factor causing an accident fatality at Burwash this past summer?

Hon. Mr. Lattin: I believe there was, but I have not seen any reports of it. Perhaps, so I do not mislead the Member across the way, I will find out and I will advise her.

Question re: Racial supremacy groups organizing

Mr. Kimmerly: A question to the Minister of Justice.

Provincial legislation, in general, does not prevent racial supremacist groups from organizing or from entering the province, but does make the distribution of any material inciting racial hatred illegal. Now that the Ku Klux Klan is recruiting members in Yukon, is the Minister actively studying the leg-

islation of other jurisdictions in this area?

Hon. Mr. Tracey: In regards to the Ku Klux Klan: in the *Criminal Code*, Section 281.2 and Section 283 deal with hate propaganda and their publication.

If the Ku Klux Klan does publicize hate propaganda, that is a federal offense. However as far as belonging to the Ku Klux Klan is concerned, that is not a criminal offense. They have as much right to recruit people as do the NDP or the PC Party, or anybody else.

I do not feel that it is my position to interfere in the basic rights and freedoms of anyone. Canada is at this time bringing in the new *Canada Act*, which gives us our basic rights and freedoms, and even before that is brought in, the Member across the floor is asking if we are going to restrict those rights and freedoms.

My own personal feelings are that I do not believe in the Ku Klux Klan and I will not join their organization. I hope that nobody in the Territory joins their organization, but that does not mean that they do not have the right to have that organization.

Mr. Kimmerly: I take great exception to the statement that I am proposing a restriction of anyone's rights. I am not. I am asking questions about them.

Will the Minister assure the House that the green paper expected in this area will contain clauses proposing the legality of affirmative action programs in the racial area?

Hon. Mr. Tracey: I cannot, at this moment, say exactly what will be in that green paper. When the whole proposal is brought before us for our consideration, we will look at the situation, as well as any other one. I would suspect that yes, it probably will be in there.

Mr. Speaker: The time normally allotted for Question Period has now gone by.

ORDERS OF THE DAY

Government Motions

Mr. Speaker: We will proceed to Orders of the Day under Government Motions.

Motion Number 12

Hon. Mrs. McCall: I would like to rise in support of Motion Number 12.

As Yukon's first fully elected government, with yet another year in which to achieve more, we stand on a remarkable record. Remarkable in that, despite the ups and downs of inexperience, the achievements are undeniable, and were not attempted by previous governments. Time will look kindly on the very solid foundation this Government has built for the future of Yukon.

The old truism that the government governs and the opposition opposes is a fact of political life. So the criticisms in answers to Motion Number 12 are forgivable, inasmuch as I really believe that some of the Members of the Opposition may even be a little impressed with the record of this fledgling Government, but would rather die than admit it.

Credit must, and should, be given where credit is due, and, without apology, let us recognize that despite charges to the contrary. The record proves that this Government acknowledged that people's concerns were a priority, and it is very easy to refute the suggestion that social concerns have been ignored. This is not a Manitoba situation, and there is too much evidence to the contrary, hopefully, to suggest this, as the Leader of the Opposition has tried to do.

All the following are initiatives that we have taken in Yukon. Previous Governments with twelve independents were not able to advance Yukon's progress towards provincehood and a fully elected government, as we have done. The liaison we have had with, and the imprint this Government has made on, the rest of Canada, is important to note. If we want to be first class citizens, we must communicate and interact effectively with Ottawa and the provinces. We must explain Yukon and its aims to the rest of Canada. We can be proud of all that we have achieved in this direction, and until this Government did so, the

rest of Canada had but the vaguest notion what we were about.

It is important that we note as well that the real political progress in Yukon took place while there was a Conservative Government in Ottawa. This Government said that a land claims settlement was a first priority and this Government has been absolutely steadfast in this regard. And in the next year or so this will be seen to be true, whether Clause 34 is entrenched or not. Our stand will be seen to be an honest one.

To show this unbroken good faith, the *Municipal Ordinance* was postponed. There is a new and greater emphasis on economic development, to create jobs and combat unemployment in Yukon. This is nothing if not a response to the needs of our people.

Other people emphasis and social emphasis is support to small businesses, a policy of local hire, and the waiving of property taxes for community clubs and recreational organizations, such as the Seniors. Analysis of the airports and airstrips that we depend on so much in this vast country has been undertaken, to better serve the needs of Yukon, as well as making the highways safer for Yukoners to travel on. The administration of Justice has been streamlined, to improve the quality of life for all Yukoners.

Perhaps everyone has forgotten that it was this Government who helped the boat people. A humane gesture that has given the Yukon many new productive citizens who have enriched our Territory with their presence.

The Tourism sub-agreement this Government negotiated has contributed to the preserving of the heritage and the cultural well-being of Yukon. The Ski Chalet, and support to the Guild Hall. In addition there is a strengthening of the structure of our communities in municipal programs, educational programs, tourism programs and social programs. There is a long, long list of social programs this Government has initiated.

The Centre for Children with Learning Disabilities was supported by this Government. The grant for new premises for the Rehabilitation Society. An advanced attitude to the treatment of young offenders. The closing of the old facility, housing juveniles, and the opening of two new facilities offering residential rehabilitation of young offenders, with a philosophy that is as progressive as anywhere in Canada.

A daycare system for the first time in Yukon. Many benefits for seniors, such as Pharmacare and increased grants for help with utility bills. The striking of a Citizens' Committee for the Year of the Disabled, and a grant to them which has been put to full use. A therapeutic group home enabling Yukoners in outside institutions to come back to Yukon.

The Handy Bus for the use of the disabled. The pushing for and the litating a transition house for women, or which there was a desperate need in Yukon. Where were these needy women sheltered before? This Government can take some very real credit there.

In the next week I expect to be able to announce new initiatives in the battle against alcohol, an ongoing deep concern for this Government. For the record, Mr. Speaker, I would like to make it clear that the only reason for postponing the conference on alcohol was that we were informed by the Council of Yukon Indians and NAAP that neither organization would take part. With that sort of ultimatum we most reluctantly postponed it, to suit the Council of Yukon Indians and NAAP.

The founding of a Department of Speech Therapy — an area that was not properly addressed before this Government took office. This Government has spent more on education than any other Government in the past. This Government is initiating a new thrust in putting people and jobs together, new vocational directions in education. A School of Mines is a distinct possibility. There is a wonderful native language program that is an example to the rest of Canada, and we can be very proud of it. In the offing as well is the possibility of a share program with the Council of Yukon Indians in the way of a community college for the needs of Indian people. A careful review of recreation in the consultational stage now will bring more effective programming and more efficient funding for recreation to com-

munities. The forming of a Department of Heritage and Cultural Resources is another people-oriented step that this Government initiated. This is to help create an environment in Yukon that is conducive to the development of a distinct Yukon identity, and to preserve all that has gone before.

All the things I have mentioned are directly people-oriented. There is no way in the world that this Government should be accused of not being people-oriented.

All this, while restructuring and streamlining government, and most amazingly of all, all this and balancing the budget. A happy marriage of pragmatism and humanitarian concern for the ordinary people.

The Leader of the Opposition accuses this Government of not having a plan, a vision. More than anything else, this Government's vision has been accompanied by action; the truly astonishing advancement of Yukon in the last three years simply cannot be denied, which causes the Opposition Leader to reach very far down into the bottom of the barrel to scrape for his accusations in answering this Motion.

Nevertheless, Mr. Speaker, the job of the Opposition is to oppose, and we have sympathy for them as their task becomes manifestly more and more a pose, in the face of this Government's very real achievements.

Mr. Hanson: I do not really want to answer the garbage that was put forward by Members on the side opposite in the last week, because most of it was just that.

There are just two exceptions I would take to it. One is by the Honourable Member for Whitehorse South Centre, when he spoke on the amendments to the *Game Ordinance*. I would advise the Member not to take any exceptions to what I am about to say on this subject. He said on the same demolition issue, going into particulars, "I would mention the proposed *Wildlife Ordinance*. I do not in any way intend to get into the substance of the Ordinance; however, speaking about the procedure and the public events around land claims, it does not escape me that the first disclosure of an agreement-in-principle made on November 6, 1981, was about wildlife, and this Government introduced a *Wildlife Ordinance* on November 12, 1981. Very real, important, philosophical questions arise."

I must point out to the Honourable Member, with all his legal training and such, that this amendment to the Ordinance has been on the way for two years. It has been changed many times, as situations arise and things come up. The CYI asked us to change a couple of particular things in there. We set up a Wildlife Advisory Board. The CYI was asked to place two members on the Board, as was YANSI, but no-one came forth.

We have offered input into the groups that he seems to be defending, though I do not know why, because there is no defense needed. They were given first opportunity to join, above anybody else. I, personally, mentioned it to them about joining. So that little bit of garbage he had there was not called for.

Another thing I would point out, in *An Ordinance to Amend the Game Ordinance* was the raising of fines by substantial amounts. The reason for that is to impress on the judiciary and the general public what price we pay for our wildlife. The fines could be twice that amount, but would be considered unrealistic.

Unfortunately, the Honourable Leader of the Opposition is not in the House, and the other point that I wish to bring out is about a statement he made. He went back into Hansard to when I was the Minister. He said, "He did refer to the MacMillan Pass Task Force, but he did not say that this Government was committed to having the MacMillan Pass miners and their families housed in the Yukon community in that area, as was, I believe, a firm commitment of one of the many former Ministers of Renewable Resources and Economic Development." That statement was taken out of context.

The Members who were in the House at that time are well aware that the former Leader of the Opposition and I were debating the issue of Amax: their building in the Northwest Territories, whereas I wanted them to build their site in Yukon.

The town site was not discussed, as such. What we are talking about is the mill site and bunkhouses.

The whole effort, as I studied the program, is the same as it works in Saskatchewan — the flying in for ten days and flying out for ten days, having the workers living in communities other than Mac Pass.

So, that is another statement that was taken out of context with what was meant, in the debate that went on in this House. I have already informed him, personally, what I thought of it, and he is well aware of it.

During the course of this summer, I had the privilege of being called a few times and asked to go on trips. On one particular trip, I was asked to go into Mac Pass by the Minister of Renewable Resources. I went up there and stayed a few days. It was not long enough, probably, but it was enough to get in my mind what is needed in the country, what the mining would be like and several other things.

I then went back to my own community to open the building that was developed by the Resource Development Corps. I was so amazed at what is going on in this Corps that I asked for a paper on it. I was given this paper from the Department of Education, under the Resource Development Corps, and I find it very interesting.

I would like to quote from it, if I may. It says, "Resource Development Corps, Program III, on the agreement of Renewable Resource Development, its aim at involving Native people or disadvantaged groups in training, employment, and income opportunities, to improve their social and economic position. It is a program intended to provide the mechanism to maximize the involvement of unemployed, once under-employed residents of Yukon in the implementation of activities. It is intended to provide job experience, skill development, counselling on future work opportunities, and the life-skills necessary to take advantage of these opportunities."

It goes on and lists three different things. "In the program for 1980-81, the Corps functioned in three areas of participation: construction of campground facilities, construction of conservation offices and facilities used in resource inventory, and construction of a teacherage at Burwash Landing.

"During this period, 48 trainees were involved. All were Yukon residents in need of work experience and skill development. The average training project employment period was 2.8 months, with trainees earning an average of \$2,643.

During the 1981-82 period, the Corps is functioning in similar areas: construction of nine campground shelters at various Yukon locations, construction of an L.I.D. garage in Mayo, construction of wildlife facilities at Mayo and Dawson, and a swimming pool in Carmacks.

In all cases, there is a positive aspect to the program. It is well received by the communities, and provides a real work environment for the trainees and a needed facility for the sponsoring agency, as well as providing an income for trainees who may otherwise have been unemployed. Above all it provides residents of the communities in which the projects are located with the opportunity to develop marketable skills and to identify career goals. In many cases trainees have pursued further training, while others have been channelled to employment of a permanent nature."

In my own community, three of the five boys who started have stayed the full program. Two of them are now attempting to get into the Vocational School. Previously they had not been employed. The third boy is employed doing similar work in Alberta for Foothills Pipeline.

The positive aspects of this program are so great that they should be mentioned aloud and the Department congratulated heartily on their participation in this program.

Motion agreed to

Mr. Speaker: Could I have your further pleasure?

Mr. Fleming: I move, seconded by the Honourable Member for Campbell, that Mr. Speaker leave the Chair and that the House resolve into Committee of the Whole.

Mr. Speaker: It has been moved by the Honourable Member for Campbell, seconded by the Honourable Member for

Mayo, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Are you prepared for the question?

Motion agreed to

COMMITTEE OF THE WHOLE

Mr. R. Fleming assumes the Chair as Deputy Chairman of Committees

Mr. Deputy Chairman: I will now call the Committee to order.

This afternoon we will be going into Bill Number 70.

I will now call a brief recess.

Recess

Mr. Deputy Chairman: I call the Committee of the Whole to order.

On Municipal and Community Affairs: Watson Lake Sewage Lagoon

Mr. Deputy Chairman: We were last on the Watson Lake Sewage Lagoon, \$500,000.

Mr. Veale: I would just like to summarize where we were when we adjourned last time. My question to the Minister was: would he and his Department avail themselves of the method of approaching a subcommittee of the Water Board, before they make the large investment that is contemplated to come up with a proposal?

If the subcommittee approves of where the Department is going, then it means that the Government is on the right track, and there will not be the situation occurring, as has occurred in the past, where the Water Board, at the hearing, says that you are completely on the wrong track. The essence of my question to the Minister is: will he pursue that avenue?

Hon. Mr. Lattin: Yes, we will definitely pursue that method of approach.

Watson Lake sewage lagoon agreed to

On Municipal and Community Affairs: Total Authority

Mr. Deputy Chairman: Department of Municipal and Community Affairs, Total Authority \$12,829,000.

Total Authority agreed to

On Tourism and Economic Development: Capital Estimates 1982-83

Mr. Deputy Chairman: I refer you now to page 25, Tourism and Economic Development.

Hon. Mr. Lang: I think the Capital Estimates put forward here are fairly straightforward: in large part it is a carry-over from last year. As you can see from the various line items in the Budget, the majority of them are cost-shared. At one time or another the various agreements have become quite a subject for consideration.

It should be pointed out that, under Tourism Attraction Contributions, there are no monies available for this forthcoming year, due to the fact that the item has been transferred to the Department of Library and Information Resources, because the monies were utilized on museums. It has been announced in the past month that we have tried to bring all the various responsibilities for museums together under one department of the Government, so that there is some continuity and direction in this area. The decision was made that Library and Information Services would take over that responsibility.

Further to that, two points should be made in respect to the Business Development Program and the Comprehensive Development Agreement. These are proposals that are presently being put forward to the Government of Canada. We are asking the Legislature to ratify the amount of money that we have here. It will be subject to negotiations with the Government of Canada and the Business Development Program, under the *General Development Agreement*, which was ratified several years ago by the Legislature, and the *Comprehensive Development Agreement*, and would encompass the various responsibilities of Government between the Department of Renewable Resources and the Department of Tourism, if we can succeed in getting an agreement for the 1982-83 year.

If agreement is reached, I would like to think that I would be able to come before the House on these two items and clearly enunciate exactly what programs will be going ahead. It will be subject to discussions with the Minister of Regional and Economic Expansion, as well as that of the Minister of Indian Affairs and Northern Development. At the present time it looks like we could well be going into another agreement.

Approximately a month ago, you will recall, there were some public discussions by the regional people here on behalf of the Government of Canada, and a fairly negative approach was taken. I did have a meeting with the Minister responsible, and he indicated to us that he was prepared to consider it. I indicated to him that I would be seeking a meeting with him, either in December or January of this year, to see whether or not we can come to an amicable arrangement in this area.

I should point out that, under the *Tourism and Industry Development Subsidiary Agreement*, that program has been going fairly well. It has provided a lot of work internally within Yukon and, for the most part, most of the money has been spent within the Territory itself.

We are expecting to generate, out of the total Agreement of \$6 million, roughly \$9 million being spent. The way that is worked out is fairly simple. We put up money, and then we ask either the private entrepreneur or the organization we are dealing with to also come up with some financial support.

I think it is doing a lot more than what we initially anticipated, as far as the general economy of the Territory is concerned. Another point is that we are getting various programs into effect that we can utilize, not only for tourists, but just as importantly, for members of the public: the Yukoners.

So, with that, I will look forward to various questions being posed. I am sure there will not be very many.

Mr. Byblow: I would hate to disappoint the Minister, but I suspect we are going to.

I appreciate all that the Minister has been explaining, regarding the various programs under the Tourism and Economic Development strategy of Yukon.

My first question to the Minister would be to ask him whether or not the departmental objectives remain the same as last year's, and, if not, what shifts and goals of the Department have taken place? I ask him to consider his answer in the context of the lump sum of money related to the *Subsidiary Agreement*, the *Special Lottery Agreement*, the *Conservation Agreement* and so on, because it is my understanding that these programs cease as of March 31, 1982, and then there is an additional carry-over year as the various programs are tidied up, and the strings sewn up, and the final accounting takes place.

Recognizing that the Department has set out its objectives to administer these various programs and the related funding through the Territory, and that it has had a substantial amount of money to do it, since this is now coming to a close, what happens to the strategies, in terms of the long-range planning for the Territory? You will have something in the order of a bit of a vacuum taking place, when these funds are cut off and the programs are finished.

Just to quickly review, have the goals of the Department remained the same, in the context of what is happening to the funding's being cut off in the next year or so?

Hon. Mr. Lang: It is fairly straightforward respecting the various programs we have here. They are cost-shared, and various agreements are signed, so the objectives must remain the same. Now I think if the Member looks, the two bottom items probably are more appropriate to the question that he is asking, and that would be subject to negotiations with the Government of Canada. I would see some deviation, if we are successful, and get into an agreement for 1982-83, or if we can get a five-year agreement to 1987, where there will be some different programs put into effect, and those objectives will be clearly outlined, but they are subject to negotiations.

Mr. Veale: One of the concerns is that perhaps the Minister's department, in doing what it is doing now with Government of Canada funds, and investing them in various tourist

facilities and hotel facilities in Yukon, is creating a substantial industry, and not to be criticized for doing that. The question I have is: how does that relate to other priorities, such as Yukon housing? The situation in Dawson City at present is that, with the expansion that has taken place there because of the Government of Canada tourism development in the historic resources, Yukon Government tourism development, the placer mining industry: all this results in an incredible concentration of capital expenditures, and, of course, it draws people. As I see it the Minister's department is proceeding at quite a pace, but other departments — and the classic example is Yukon Housing — are not doing anything to meet the other demands that are being raised as a result of that capital development.

Would the Minister indicate whether or not he deals with other Ministers when he is establishing these priorities, and whether they are up-to-date on what his department is doing, so that they can react and plan for the future, for example in Yukon Housing?

Hon. Mr. Lang: There is a great deal of discussion at the departmental level, between the Department of Tourism and Economic Development and the various other departments, with respect to realigning priorities as far as this particular department is concerned. That was one of the reasons for bringing together into one department the intergovernmental department that was put together over the course of the last year. Along with that, there are discussions, for example, with my colleague, the Minister of Yukon Housing Corporation. If the Member is indicating to us that he is prepared to vote large sums of money in this House for Yukon Housing Corporation for mainly four- or five-month residents in the Territory, I think that the answer would be no. I think it is fair to say that, any expenditures that we have gone into, for example, with the assistance and incentives to initiate hotel construction in the Dawson City area, those proprietors are definitely going to be building, or providing, their own accommodation for that staff. It is going to be involved with the running of those particular establishments.

So, yes, there are discussions with my colleagues in setting the priorities of this department.

Mr. Veale: I may be getting into another department, but even though the Minister has indicated that discussions have taken place, still it is my submission that, in fact, Yukon Housing is not responding to the community needs that are being created by the Minister.

Would the Minister also address the policy question of what activity the Government is involved in? Specifically, can he address in a general way what takes place when a new mine comes on along, or, specifically, can he address the Venus Mine situation? Does the Government get involved at an early stage to ensure that a particular mining development is going to proceed, and will proceed, despite the changing market concerns and prices and values, and so on? How can the Government make a contribution in the establishment of new mines? We are already spending a great deal on the MacMillan Pass Task Force, which is a bold initiative, but what, in fact, does the Government say when it does not go ahead, and all that money has been spent? Is there no way that the Government can ensure that a mining development, when it starts and involves expenditures from government, is, in fact, going to come to fruition and go on line?

Hon. Mr. Lang: If the Member opposite is indicating to me that I have a magic wand and am able to foresee whether or not, when the final decisions are made, a mine is going to come into fruition, I am afraid I have to tell the Member opposite that I cannot foresee that. All we can do, as a government, and as a department, is to be involved in the planning of major developments. We are in a very difficult situation, as far as our Government is concerned and as far as this Legislature is concerned, as the Member opposite well knows. Here we are as a Legislature, with various responsibilities similar to the provinces — exactly the same in most cases, except over water and resources. And, following that line, that responsibility is vested with the Government of Canada, and in some cases,

with the Government of Canada — and I am not taking this to the political level, I will leave this at the bureaucratic level, what I believe is constructive criticism — we are not notified, with respect to what is being developed until too far down the road. In some cases, if it is a small mine, it is not really necessary to come to this Government to go into production.

You take, for an example, in the Deputy Chairman's constituency of Campbell, where there was some consideration at Rancheria that there could be a small silver mine come into production. We had heard various reports on that, that this possibility existed. As time developed we attempted to get involved, but by that time it was too late. The individual involved, at least to my knowledge, at the present time, is not going to proceed with the development, in view of the international metal market and the prices. I personally think that if somebody got involved initially, and wanted that particular type of production to come into place, and if there had been encouragement given, probably the company would have gone ahead, if the proper incentives had been offered. We are not in a position to offer any. That is largely the responsibility of the Government of Canada.

Yet, we have taken some initiatives. In those areas that are of fairly large magnitude and that would have major effects on this Government, such as the MacMillan Pass area, we could well be in a situation where there must be commitments of schools. The Member for Faro has generously complimented this side of House for the work we have done in the area of Education. That is our responsibility and money has to come forth from this Government to provide those facilities.

There is a very fine line, and if the Member opposite is intending to put a motion forward that we should take over the responsibility of resources and water, I am sure that all Members will be prepared to support that.

Mr. Penikett: Maybe I could ask the basic question again that the Minister did not answer, the question put by my colleague about the departmental objectives. At the beginning of this statement, on page 24, there is a Departmental Objective; my colleague asked the Minister if that had been rewritten this year, and the Minister did not answer the question. I refer the Minister to the annual Report of the Territory for the year ending March 31, of this year. It says, "a major departmental organization, which commenced during the last year, is now complete. The five branches now reporting to the Deputy Minister are Administration, Special Programs, Tourism Marketing, Economic Research and Planning, Tourism Planning and Development." I want to ask the Minister if the departmental objective on page 24 is a new departmental objective, or rewritten from the previous year, and if so, in what respects?

Hon. Mr. Lang: I am sorry, I do not have the budget of last year in front of me, but I think it has been fairly clear and concise just exactly what we expected out of this department. I would suggest that we could stand here and argue semantics. I would point out that what he is reading from is the Commissioner's Report; what has been done within the department has largely been the result of the Public Accounts Committee, and the constructive direction that they have presented to myself and the department with respect to what should be done on the financial management and control of that department. We have implemented it, and I would suggest the Member opposite would probably have to stand up and concur with that. What I am saying is that there is a number of areas of responsibility within the department. We could have gone ahead and put out three or four pages, with respect to what were going to be short term and long term objectives. It is just a short, concise, way of saying just exactly what we see in the short term and long term, and the various responsibilities of that department. I do not know what the Member opposite is getting at.

Mr. Penikett: The problem is, the Minister does not know what he is talking about. He is quite right in respect to the Public Accounts Committee and that is partly why I am

interested in the question. Let me ask the question again. Part of the reason why we have this new form of budgeting is so that we can deal, in the general debate portion, with the goals and objectives of the department. Now the Minister has danced trippingly over a number of areas and touched on those. I want to ask the Minister, first, to repeat the general question, have they changed? Then I want to ask him, following up from that, in what respect? Is there new emphasis stated here? Is there a new emphasis on some areas, as opposed to previous areas? What is that new emphasis? I do not recall, for example, that the previous departmental objective talked about development strategy plans in the same way that this one does — it is exactly that question that I am asking.

All of which questions are proper questions to begin the budget debate. Now I do not know why the Minister should get upset. I am not engaging in a partisan debate here. I am trying to establish from the Minister what are the new objectives of the department, if any? Have they added some, or have they subtracted some? What is the new emphasis here? It is a very general question and it is not a provocative question. It is a very direct one.

Hon. Mr. Lang: I resent the Member opposite's intimating to me that I do not know what I am doing. I am afraid that that is not correct. I would say to the Member opposite that perhaps he should analyze his own position before he starts making criticisms, of that general nature, to any Member in this House, whether it be in his Party or otherwise. Now following that, I should point out that a number of things have been done in regards to developing long term strategies with respect to the Territory.

You referred to the development strategies and plans, and we are dealing, as the Member knows, with Northern Canada Power Commission concerning overall energy policy. Over the course of this last year, we have been involved in a study that is just coming to a conclusion, and hopefully, with our presentation to the Northern Canada Power Commission, various things are going to be done in the areas of energy, which, at the present time we can only influence, as opposed to being really involved in the direct decision making. Another area, for example, is the responsibility that we have taken on our own initiative, the MacMillan Pass development, with the MacMillan Pass Task Force.

It has been done largely through this Government's initiative. We wanted to be involved with the decision making with respect to the development of that area. We believe that it is not only going to have a regional effect but a direct effect upon the economy, if things go the way we would like to see them go; that is if development decisions are made. We should be involved at the planning stage as well as the implementation stage, so that we are not in conflict with those industries that are going to be developing, as well as with the Government of Canada.

Further to that, yes, we have made major initiatives in the area of tourism, if you like. As you know we have gone into a major agreement with the State of Alaska — probably the most significant agreements, internationally, anywhere in Canada. I think we have shown the benefits of that over the course of this last year, as far as the Tourism Industry is concerned. We have had a major increase in that area. In part, I think it was with the cooperative efforts that we entered into with the State of Alaska.

With respect to the area of energy, yes, there have been some changes in emphasis in that particular program. Initially, there was opportunity for almost anybody to apply, who had new and innovative ideas about the utilization of energy. We have changed that direction somewhat. We personally think that we should be getting more applications from municipalities and organizations where energy can be utilized for a large segment of a community, or, for that matter, the Territory.

The good community of Mayo can be used as an example. The community would like to put in a solar system to heat their swimming pool, which could then be used for a four or five month period.

I could get into the specifics of the various agreements, but I would say to the Member opposite that the objectives are fairly straightforward. Now we have done some innovative things over the course of the past year, and I will not argue that, but the objective is not only to look at the short term but to look at the long term as well, and we are doing that, within our limited capabilities.

Mr. Penikett: Mr. Deputy Chairman, I beg your indulgence. I do not want to waste the time of the House. The Minister has given several long answers on the programs and the activities of the Department. I am not asking about the activities and programs of the Department.

I am asking about the departmental objective. The departmental objective is, in this form of budgeting that we are now using, the basic statement of the Department's goals: what they want to achieve, what their emphasis is, what they are all about, what they exist to do. That statement is contained on page 24. The Minister says that it is quite brief.

Now I have not yet begun any criticism. I am not casting any aspersions or making any complaints about that statement on page 24. What I am asking the Minister is a perfectly proper, and very simple, budget question, the most basic budget question of all: has that departmental objective changed, and in what ways? That is all. I am not asking about the programs and activities of the Department. I am asking about the departmental objective.

Hon. Mr. Lang: The basic objective of this department is to encourage and support development in the Territory, where possible and where government needs to be involved. That objective has not changed, and in order to do that we have to be working with industry — where they wish us to be part of it, or where we feel we should be part of it — to encourage that development that we perceive will occur in the future. So I would say, no, it has not changed.

Mr. Penikett: I do not want to waste the time of the House on this, but let me just make my question very clear. I am sure the Government Leader will understand.

Here we have a statement of departmental objective, and the first one is to do with economic development strategies, to coordinate the formulation of development, et cetera. The second one is to provide centralized research capability, et cetera. The third one is to maximize the potential of Yukon tourism. Now, those are very clear, but I believe, from memory, and from this statement that exists in the annual report, and from the information we have here, that that departmental objective has substantially changed in the last year.

I want to ask the Minister if he can confirm that, and also if he could just briefly tell the House in what respects it has changed. There are three, if you like, objectives stated there. All three of those objectives are fine. I just want to know if any one of them is new, if the order of priority is changed, have the departmental objectives changed, and in what respects? That is all that I am asking.

Hon. Mr. Lang: All I can say is, no, I do not believe that they have changed. I think that there is a fundamental philosophy of this Government, which we were elected on. We put it in place, and we have a department in that area to effect what we believe should be happening towards the future of the Yukon Territory. He can play with semantics all he likes, but I am saying to the Member opposite that the objectives are fairly similar to, if not the same as, last year. As the Member knows, there are certain innovative things that have happened over the course of this year which I think are in concert with what is being said here.

Mr. Penikett: Once again, I do not want to waste the time of the House. I am not asking about the programs and activities yet. I would ask the Minister that neither of us waste any more time here, and ask if he will undertake to get back to me with a report, without holding up this item, on whether the goals and objectives of the department have been rewritten, and in what respect, because what I glean from the annual report and a number of other things is that they have been rewritten for the purpose of this budget, as so they should have been. As the

Government Leader knows, with this concept of budgeting, the first thing you start off with is a statement of the objectives of the department. My sense of what I read here is that the objectives have been rewritten, and they may have been improved upon considerably as a statement of what they were doing, because, under the previous form of budgeting, there were a lot of narratives that did not accurately describe what the department was doing anymore. They were narratives written a number of years previously and they were out of date. What a basic narrative in a budget does is provide for the public view a simple, clear statement of the objectives of the department. Out of those objectives flow, logically, as the Minister was saying, some of the programs and activities.

The Minister does not have to reply now, but I would ask him if he would simply, if he can, come back to the House with an answer to the question: has that objective been rewritten? Not today, but whenever he can. And, if it has been rewritten, in which ways.

Hon. Mr. Lang: I am prepared to have a look at it, but I am saying today that, as far as I am concerned, they have not changed, and we have been effecting what has been happening over the last couple of years.

Mr. Byblow: In light of what has been said respecting the goals and objectives of the department, because that is, as stated, the basis upon which capital budgeting has to be built, I would like then to ask the question of the Minister: in view of the various funding sources under this particular department being curtailed, what does that do to the departmental objectives for next year, and the year after? What are we talking about when we say that no longer will the \$6,000,000 be available under this agreement, or \$3,000,000 under the Renewable Resource agreement? What happens to the goals and objectives of developing strategies, long-term planning, and programming? What happens to that when you cut the funding?

Hon. Mr. Lang: The Member opposite is jumping to conclusions. As I indicated to him earlier, we are coming up to the end of our agreements, and we are in the process of negotiating new agreements with the Government of Canada. I am optimistic enough to think that we can come to some amicable agreement with the Government of Canada, and subsequently will not have the situation arising that the Member has indicated. I am saying to the Member opposite that once we have done that we can continue with our various responsibilities.

Now, on the Tourism side, as far as the operation and maintenance is concerned, we will be continuing in our market. It does not come out of our capital.

Regarding our research and planning capabilities, that is on the operation and maintenance side. That is not cost-shared with the Government of Canada. It is out of the general revenues of the Government of Yukon. So, overall, the department would stay intact even if no monies were made available. So we will still have some capabilities to influence, and to be part of, initiatives in the overall economy of the Territory.

Mr. Byblow: I have one question. We can probably leave the business of objectives until we hear back from the Minister.

Is any one of those three departmental objectives treated in a priority status, in relation to the others?

Hon. Mr. Lang: They are all dealt with, as the overall responsibilities of the department. Our first priority with respect to the Department of Tourism and Economic Development, is to ensure that we have the proper marketing program, and are working with the private sector within Yukon with respect to the development of tourism, because that is the direct area we have responsibility for. Along with that are other priorities, which are fairly clear. One is energy. We are working on various aspects of that, which is fairly evident as shown by the energy conservation program that we have gone into. With respect to the business development program, we feel that it is a priority for this coming year, and we are continuing to push, with the Government of Canada, to get something into place that will assist small business in the Territory. We believe that is essential.

So, there are a number of ongoing issues at hand: some that

we have dealt with, and some that we will be dealing with in the future.

Mr. Byblow: I do find it interesting, the emphasis upon which the Minister places energy in terms of the treatment by his department towards programs in that area, yet it is not mentioned in the objectives as a specific area. I have one question relating to the future of the department, in terms of its funding availability. I understand, from some discussions, that the sub-agreement itself will not be renewed with the Territorial Government in Yukon. There is some rumour that the Northwest Territories will be now receiving a similar type program, as was set up here over the last couple of years. Can the Minister indicate anything on that subject?

Hon. Mr. Lang: Before I proceed, can I ask the Member opposite who he was talking to?

Mr. Byblow: I picked this up at the last Tourism Advisory Board meeting held in Faro.

Hon. Mr. Lang: I indicated in my opening remarks that at one time there were some very negative comments being made, respecting our possibilities of going forward for another agreement.

I did have a meeting with the Minister of the Department of Regional and Economic Expansion. He indicated to me that he was open to negotiating an agreement. I am taking his word, as my political counterpart at the Government of Canada level. Now, if they could give the money to the Northwest Territories, as opposed to Yukon, I do not believe that they would do that, considering their overall responsibility as far as that particular department is concerned. If they do, we will have to deal with it at that time.

Mr. Penikett: So that I do not prolong the debate that I started earlier, my colleague the Member for Whitehorse South Centre has helped me out.

I wonder if I could just read for the record the change in the departmental objectives from last year to this year. Last year, as stated in the Capital Estimates, 1981-82, the departmental objective was: "The Department is responsible for planning a program of tourism, promotion and development and economic research, planning and development for Yukon." So tourism, one; development and economic research, two; and planning and development, three. This year the statement is: "to coordinate the formulation, development and implementation of short-, medium- and long-range economic development strategies plans and programs for Yukon, including its various regimes and economic sectors. Two, to provide a centralized research capability and establish a comprehensive socio-economic data base to service the analytical needs of all Yukon Government departments and the public at large. Three, to maximize the potential of the Yukon tourism industry by managing and administering an extensive tourism marketing and development program." The objectives, it seems to me, have been expanded in detail in a fairly useful way to give us more information about the department's objectives.

I would like to ask the Minister just one question in that respect. In the previous statement, tourism promotion was the first thing identified. In the new statement it is identified as the third thing. Just let me ask the Minister if any priority is implied in that order?

Hon. Mr. Lang: If the Member opposite had been listening earlier, no.

Mr. Penikett: With respect, if the Minister knew what was going on in his Department, as he claimed he did, he would know that the departmental objectives have been rewritten: basic information that a Minister ought to know. He did not. He said that they had not been changed. They have.

Hon. Mr. Lang: I object to that. If he takes a look at it and analyzes what was said last year as opposed to this, it is very similar to what was said. Perhaps it is a little further developed, concerning the departmental objectives. I pointed out earlier, and if the Member opposite had been listening, I stated very clearly and concisely that tourism was our direct responsibility, and it was the high priority as far as the Department of

Tourism and Economic Development is concerned. We have been very successful in it, and I recognize that the Member opposite thinks so too, but he is afraid to say so.

Mr. Veale: Perhaps we could get this back on track and deal with the departmental objectives.

We discussed a minute ago the idea of having the Yukon Housing Corporation and the Minister's Department coordinating their activities, so that one Department is not ahead of the other: for example, the Yukon Housing Corporation not being able to meet the needs created by the Department of Tourism. Is it the case, then, that it will now be the goal and objective of the Minister's Department to do the socio-economic research and analytical work for the Yukon Housing Corporation? Is that a correct interpretation of that statement of objectives?

Hon. Mr. Lang: That particular aspect of the Department is centralized, to do research on various projects as requested, for government as a whole, not strictly for my Department.

As you know, you get various reports, with respect to the rental structures of the Territory, the various transactions in the real estate market, things of this nature, that are done on an ongoing basis. Also, if the Minister of Housing wishes to have information about what is happening in a certain region, we will do whatever we can to provide that particular information.

Mr. Veale: If I could just have that clarified. The Minister is stating then that each Department will come to him with a submission on what they would request, in terms of analytical data, and it would not be the Minister who would be proceeding on his own initiative into another department.

Hon. Mr. Lang: There are a number of ways that it can work. Interdepartmentally, if somebody in mid-management or top management wants some information, they pick up the telephone and ask for it. If we have the time to prepare it, we will provide it. If it is that important and at the ministerial level, it will be done, if we can do it.

Mr. Penikett: When I was listening to the Minister earlier on, he said, "that these activities of the Department had done a good job for the economy of Yukon." Because I was listening so carefully, I took note of that comment and wrote it down.

I would like to ask the Minister, in light of that, and since the Department is responsible for researching this kind of thing, if he could tell the House 8 since I share his enthusiasm for this kind of economic development, as I am sure he would want me to say — if his Department has done an assessment or any kind of measurement of how many jobs have been created by the programs he took care to detail and outline earlier on?

Hon. Mr. Lang: I have no problem in outlining them. Basically, the only one we had have done one on it is the Tourist Subsidiary Agreement. I am sure we could do it in the area of Special ARDA, and whatever. Yes, I do have an outline for the Member opposite, which I am sure surprises him, but I do have an outline of the jobs that have been made available through the various construction periods of the major projects under the Tourist Subsidiary Agreement. Also, more importantly, I think, largely what is projected at the operational level, once they have been completed.

Mr. Penikett: He said he had the answer; would he give it to us now, or is it going to come later in written form?

Hon. Mr. Lang: On the one hand the Member opposite wants me to talk about general philosophy and general statements, and on the other hand he stands up and says he wants specifics as to line items in the budget. I do not know which way he wants it. He cannot have it both ways. I would recommend to this Committee that we go through various line items as they are outlined.

Mr. Penikett: I would be quite happy to, but the Minister does not want it either way. He did not want to talk about general objectives, and now he does not want to talk about specifics. It is not a question of my wanting it both ways; I will take it any way I can get it.

Mr. Deputy Chairman: Order, please.

Hon. Mr. Lang: I am sure he will.

Mr. Deputy Chairman: Mr. Lang, could we go into the specifics?

Mr. Penikett: Did I understand, from the Minister's last answer, that he was giving us a commitment to bring back that information?

Hon. Mr. Lang: No, I thought we would deal with it program by program as we go through the budget. In some areas I do not have that specific information, and in some it will probably have to be tabled with the Operations and Maintenance side of the budget in the spring.

On Tourism Industry Development Subsidiary Agreement

Mr. Deputy Chairman: Tourism Industry Development Subsidiary Agreement, \$1,618,000.

Hon. Mr. Lang: Mr. Chairman, are we on the Tourism Attraction Contributions? Is that the way you intend on going through it?

Mr. Deputy Chairman: Yes, Mr. Lang. We are on Tourism Industry Development Subsidiary Agreement.

Hon. Mr. Lang: I will go through that, and if the Member opposite wishes, I could indicate to him exactly what jobs were made available, what jobs were not made available, and perhaps what could be made available.

Okay, to the Honourable Member for Whitehorse West, who is the official Leader of the Official Opposition, the Leader of the NDP, I should point out that as far as the Ski Chalet was concerned, there was roughly \$1,230,000 spent, and the whole contract was 100 percent locally contracted. When it is all finished and done with, there will be a minimum of five jobs available in the running of that establishment. That is not including the various other commitments that were made by that particular organization, such as the major upgrading of the ski trails, et cetera, which is a three year program and which will provide further jobs as the ski organization grows and builds that recreational facility.

As far as the Yukon River attraction at Fort Selkirk, Hootalinqua, is concerned, we have 16 people, locally hired—largely people from the areas of Pelly Crossing and also from the Whitehorse area.

I should add that I did have the opportunity to see Hootalinqua, and the work that was done in the Hootalinqua area and Lower Laberge area. They have largely completed the Lower Laberge RCMP station that was there, and they have done a very admirable job, I must say. I was very impressed with the work that was done, and also the work that has just started in Hootalinqua on the boat *Evelyn*, and there will be an effort made to stabilize that boat, which has been disintegrating badly over the past ten years. As far as the Carcross Development is concerned, it would be our intention to go ahead with an information centre this forthcoming spring. It will be 100 percent locally contracted, if possible. Under construction, we estimate at least 13 people being involved, and when it is finished, it should provide three jobs within that community in the summer months.

We also intend to go ahead with the Watson Lake Signpost, which will be an interpretive museum and information centre for the community of Watson Lake. That will provide approximately 20 jobs in its construction, which should start early next spring. When it is finished, we expect to have four people working there over the course of the summer months it is open.

The Dawson downtown improvements were approved to help Dawson City with their boardwalks, street improvements, and the graveyard. There were approximately ten people involved in the construction. It was 100 percent locally done. There was work done at the Dawson City Visitors' Reception Centre. The shell is completed, I understand. It was 100 percent locally contracted, and during the construction stage there was eight. When we get it in place there will be three positions involved, in running the Visitors' Reception Centre.

I should point out that some of these jobs people are already doing, in less than adequate facilities. For example, a job will be transferred out of the Dawson Tourism Information Centre.

The Whitehorse Visitor's Reception Centre, which is managed by the Chamber of Commerce, is 100 percent locally contracted, and during construction it is estimated that between eight to ten people will be involved over the course of this winter. When it is finished, it appears that there will be three jobs there on a year-round basis, plus the operation of the Tourist Centre in the summer months.

As for hotel assistance, we put forward one project: the Triple J Cabins, which will be over 75 percent locally contracted; there will be approximately 10 people involved in construction, and seven at the operational stages once it is completed.

On the Downtown Hotel, it is going to be over 50 percent locally contracted. The estimated number involved in construction is 25, and operationally, here is a real boost to Dawson City, we figure that about 22 people will be working there.

For the Old Log Church I want to propose 100 percent be locally contracted, and about 10 people should be working on it, if that particular project gets under way.

The Guild Hall was 100 percent locally contracted, and there were four people involved in the construction of that.

The Dawson City Facades program has been locally contracted, and is 100 percent funded within Dawson City, and it would appear that most of the work has been done by local people. We do not have a breakdown on the number of people working on that.

That pretty well clearly outlines what the Member opposite was asking, with respect to the various programs that have gone into effect.

Mr. Veale: Would the Minister, regarding the Whitehorse Ski Chalet, indicate how the project came in, in terms of the initial estimate of construction; also, if there were overruns, how did they result?

The other aspect I would ask him to deal with is, what planning was done with respect to the Chalet, in terms of conservation of energy? Were there specific things implemented? It is an extremely large building. Were there specific things that were built into the construction process, to ensure there would be good conservation of energy?

My impression is that there is a very large heating capacity, far larger than the building needs, and I am not sure why that was done. Perhaps the Minister has that information.

Hon. Mr. Lang: I do not have the specific dollars with respect to what the projection was, as opposed to what the increase was. If you will allow me, I think we were roughly \$200,000 over the estimate. I am going on memory now. That was largely due to inflation. I should point out that I think it was \$70 per square foot that the building was built for. I do not think that there is any other building in the Yukon that was built for that kind of a price. It was largely due to the efforts and volunteer work that were done by the Ski Club.

So I think we have what we could probably consider to be a \$2,000,000 to \$2,500,000 billing, for \$1,200,000, as it turned out.

With respect to the energy aspect of the building, I believe it was 2x6 framing, and the building is very well insulated. With respect to the heating itself, I would have to check to see if anything special was done. I think there was some discussion, during the time it was being constructed, looking at that aspect of it. I would have to provide information to the Member opposite at a later date.

Mr. Byblow: I believe the Ski Chalet ran \$230,000 over budget, and it can be sectioned off for use, so that portions of the building can be eliminated for heating and use.

But anyway I have a couple more general questions before we get into too many specifics on the Agreement.

If I am understanding the principle behind the Agreement, and the Minister can correct me if I am wrong, the Agreement is struck under a General Development Agreement, and it outlines the availability of funding in the order of \$6,000,000. The Minister, in his earlier remarks introducing this portion of the budget, said that it is his opinion that, from the monies under these agreements, substantially more money is gener-

ated because of the spin-off, encouraging other businesses to inject money into certain projects.

My question to the Minister would be: this being a \$6,000,000 portion of an agreement with the federal government, and we have \$4,100,000 identified here as being last year's portion and this year's portion, does that mean that we have spent \$1,900,000 in the first year, or that there is \$1,900,000 unaccounted for yet?

Hon. Mr. Lang: I should point out that what I said was that the overall funding of the Agreement, cost-shared between the Department of Indian Affairs and the Department of Regional and Economic Expansion, was 85 percent, and 15 percent by this Government, to make \$6,000,000. We have allocated \$6,000,000 to various programs, regarding the Agreement, and basically, of that \$6,000,000 being allocated, there is roughly another \$3,000,000 being put in by the various organizations or private sector involved in the Agreement. With the Chamber of Commerce, for example, we are putting forward \$267,000, and the Chamber of Commerce will be coming forward with \$89,000, which will give you an idea of the cost relationship of the various programs that we are talking about.

I am not clear what question the Member is asking, concerning the \$1,900,000. I think that it is fair to say that, with the voting of the \$1,600,000, that should pretty well spend the \$6,000,000. You will recall that we went into that Agreement in 1980-81, and there was money expended then.

Mr. Byblow: To help answer the question, the \$1,900,000 ought to be in that first year. I wonder if the Minister could provide us with some additional information, such as he did when he talked about jobs. Could he outline the various projects and their funding allocations, under the sub-agreement? I suppose I ask the question because, when he was outlining the various projects that created jobs in construction and, of course, in a permanent sense afterwards, there were a number of projects that were not included, that had been either initiated or committed in previous budget debates, and I made note of ones like the tourist attraction development, the Carnegie Library, steam train study, all various programs that were not mentioned today. Could he outline where the money has been spent?

Hon. Mr. Lang: I have no problem doing that. He mentions the steam train. There was initial work done, as far as the study and what it would cost to do the necessary implementation. A decision was made that we were not going to go ahead with it, and as it appears now, White Pass and Yukon Railway will be going ahead with it themselves, everything going well. In respect to the Carnegie-Dawson Museum, we are having discussions with the community of Dawson on that particular project and we will have to see whether or not that one goes ahead, or something in lieu of it. For example, we are looking for expansions to the K.V.A. and we may well be looking at that as an alternative. But that is all pending what happens this year.

This is one of the difficulties in voting on capital budgets right now, because a lot of decisions and discussions have to go on prior to implementation. But from my perspective, I think it is healthy that we are voting our budgets, so that at least we get some direction of where we are going with respect to the overall Government funding, and, as well, to get the early contracts out.

I could provide very specifically, in letter form to the Members opposite, a clear outline of the financial commitments that we have made. And, if that is satisfactory to Members opposite, as opposed to sitting here and nickel-diming, perhaps we should be going further on the budget. I recognize that the Members opposite should have that information. I will take it upon myself to get it to them. But it is very difficult, I should add. I do not think that I will be requesting my department to go and do an analysis of the Ski Chalet, in view of the fact that it was 100 percent contracted on the capital side of that particular project, and it would take a person a lot of time to go through and determine how many jobs each contractor created, and

how much was volunteer. I do not think that that is what the Member opposite is asking.

Mr. Byblow: I appreciate what he is saying and I would really solicit from him a commitment to provide this, because I have had many inquiries as to where this \$6,000,000 has been spent. I recall, at the Federal Interdepartmental Coordinating Committee meeting, even the representative from the Board of the Federal-Territorial team, also, could not give the actual breakdown of where the money is spent. I could say to the Minister that there is considerable suspicion that all the money may not have been spent, and there is no certainty as to how it is being spent. So, I guess if you could outline, in a documented form of dollars and cents, where the 6,000,000 went, that would be terrific.

I note that at one point there was a commitment of \$530,000 to Dawson Downtown Improvements, and I assume that is the assistance being provided to create these 100 rooms in the Dawson area, for the tourism objective. Has that figure remained at \$530,000? I realize that at one time it was just a projection. So, very specifically, I would like to ask the Minister: what has been provided through grants, for the creation of these hotel rooms in Dawson, to the two firms that have been involved in the construction?

Hon. Mr. Lang: I think that the Member opposite is asking about two different programs. The first one was the Dawson City Downtown Improvements, which was boardwalks and street improvements, and there was \$530,000 allocated. The City of Dawson has come up with \$93,000 for their share, for a total amount of \$623,000. I believe roughly that about \$590,000 of that has been spent, with probably another \$30,000 remaining on that agreement.

Mr. Byblow: Perhaps I was confusing the two. The second is the program identified as Dawson Accommodation Assistance, which at one time was specified as going up to as much as \$600,000. Has that been spent, and is that what is still allocated?

Hon. Mr. Lang: With the Triple J Cabins, there is a commitment of a local entrepreneur to the extent of \$338,000. We are putting in \$129,000. Some work has been under way over the course of this fall, getting the foundation in place, and it will be completed next spring. With respect to the Downtown Hotel, we are putting up \$330,000, and the company involved is putting up \$1,170,000, which is an estimated cost. The total estimate of that program is \$1,500,000. They are starting to do some work inside the building.

Mr. Byblow: Then I observe that in the program, Dawson Accommodation Assistance, from a projected \$600,000 that was going to have been spent, it is in fact \$1,500,000, almost three times more. Is that a correct interpretation of the figures?

Hon. Mr. Lang: We are putting up \$459,000 and the entrepreneurs are putting up, roughly, \$1,400,000.

Mr. Veale: Could the Minister explain the answer to this inquiry? One of the concerns that people have is that a couple of hundred thousand dollars will be given to an entrepreneur: if the entrepreneur built a building and turned around and sold it, he would recover that grant he received from the Territorial Government. What conditions does the Minister have, in those contracts, or grants, to ensure that does not happen?

Hon. Mr. Lang: The objective was to get a hotel built, so that they could provide accommodation for our visitors who come to the Territory. As you know, we were having major problems here a number of years ago — in fact, cancellations of groups of tourists coming up to Yukon, because of the lack of accommodation there. I believe there is a requirement to operate about three years. After that, then, it is up to the entrepreneur. The key is to get accommodation there that is satisfactory, and can provide the necessary infrastructure, in order for us then to encourage other entrepreneurs in communities such as Whitehorse to expand their businesses, so they could provide for that increase in tourism traffic.

Mr. Veale: How can the Minister then be assured that these projects would not have proceeded without government financing?

Hon. Mr. Lang: All indications point to that, and I think that it is probably fairly indicative that, initially, only five proposals were put forward for consideration. As you know, it is very difficult to get a return on your dollar, with a three and a half month period to regain your capital cost for a facility. The only reason we went into it was that we were convinced, and I am sure that we were right, that if we had not brought up an incentive program, nobody would be building in Dawson City.

Mr. Veale: Well, would the Minister agree that it might be more appropriate to have a program where there might have been some mortgage interest forgiveness by the Government, which could later be recouped from the entrepreneur, rather than the gift idea to the entrepreneur?

The problem is that the agreement runs for two years, and at the outset, three years. I am sure that we would have had to have gone through some major intergovernmental discussions with the Government of Canada, to change that aspect of the Agreement. It was felt that, for the amount of money and incentives that we were prepared to put up, we would probably find that we would be spending a great deal of money over and above what was put forward to collect it, such as auditors. It was felt that it should be strictly a one-time financial incentive, to get some establishments built and get it off the ground, because it was felt that in the long-term, for example, with a new establishment, and, say, 22 people working there, there is no question over a period of time we would be recovering, through just those jobs being created, a fair amount of money, so far as tax revenues are concerned. So I think the benefits will accrue back to the Government in the long term.

Mr. Byblow: I have an interesting recollection of last year's debate on this, where the Minister was having some very serious philosophical problems with giving away some money to private enterprise, and I think he may have called it a form of socialism. I find it interesting to hear him defend it now. But, it does bring up an interesting point, and the one that Mr. Veale raised earlier that, on the one hand we are injecting money into a profit-making situation, and at the same time, in Dawson, we have a housing crisis. It is hard to reconcile the two.

Nevertheless, I think I can be quite assured from the Minister that when he provides the figures related to the various programs under the sub-agreement, I will be quite pleased. I would only also mention that in the Public Accounts Committee this information was sought and it was not available. So, that only heightens my request for it.

The only question that would be left under this particular item would be to enquire lastly whether the \$1,600,000 that we are appropriating in this line item now constitutes the total \$6,000,000 under the sub-agreement?

Hon. Mr. Lang: Yes.

Mr. Deputy Chairman: Any more questions?

Tourism Industry Development Subsidiary Agreement agreed to

On Special ARDA Agreement

Mr. Deputy Chairman: Special ARDA Agreement, \$300,000.

Hon. Mr. Lang: The Members opposite will recall that there was a document tabled here last Budget Session, which outlined how monies had been expended in respect to this particular program. It would be our intention to bring forward for the forthcoming operation and maintenance side of the Budget, a review of what was allocated in the past year. Some are in the process of being reviewed, some are being looked at in respect to implementation. So, we are proposing, under the Agreement — and the Agreement has not changed — practically \$120,000 of Yukon Territorial Government money to go forward for the social aspect of that Agreement.

Mr. Veale: Would the Minister elaborate on what he means by the social aspect?

Hon. Mr. Lang: It has to do with training, various other things involved in a program taking place. I am just going on memory but, for an example, when we take people on staff within the Government, or in the private enterprise for that

matter, there is the possibility, if they are training, to offset those costs, and there are various other aspects.

Mr. Veale: Could the Minister just outline what the recovery aspect is, how it works? I gather that \$180,000 will, in fact, be recovered. How is that recovered?

Hon. Mr. Lang: We just charge the Federal Government for it.

Special ARDA Agreement Agreed to

On Renewable Energy and Energy Conservation Agreement

Mr. Deputy Chairman: Renewable Energy and Energy Conservation Agreement, \$1,150,000.

Hon. Mr. Lang: This Agreement, as you know, was entered into last year, 1981. We have done a number of programs with it. The major one, the way I see it at the present time, is the commercial auditing that is being presently done, and I think the people within the branch of the Department should be commended for the work they are doing. It is working very well. We are getting a very good response from industry, doing the necessary energy audits that happen to be required. We are looking at the possibilities of going ahead also with a residence energy auditing program under this program. We are working with the Government of Canada and if we can come up with an amicable agreement, I think it will be very advantageous, as far as energy conservation is concerned and, as well, for the various residential owners throughout the Territory. But, that is presently in the formative stages, and I will have to report back to the House whether or not we are successful.

We are also looking at the aspect of municipal-type projects, as I indicated earlier, such as the solar energy installation at the Mayo swimming pool. We are looking at presently doing a study with respect to Burwash and the wind there: whether or not there is enough wind to justify putting in some type of wind-related energy facility for that particular community.

There are a number of things ongoing in this Agreement, and I could probably have, as I committed myself earlier, with the Special ARDA Agreement, a pretty clear, concise breakdown in respect to the allocation of dollars in this area, and what is being spent, at the same time, on the operation and maintenance side of the Budget.

Mr. Veale: I have a question about the residential energy audit, which should be encouraged, perhaps, but I wonder if it is a duplication. There was, a year or two ago, an audit that actually took place. I think it was Yukon Electric that ran it for the community. They came in and photographed a house. It was an infrared photograph that indicated where problems were. Is the Minister now talking about something quite different, in terms of an actual physical inspection inside one's house?

Hon. Mr. Lang: The audit we are looking at would complement what has already been done by Yukon Electric, and would allow us to come forward with the type of machine that does an analysis of the house. It shows you exactly where you are losing heat, and also the person who is operating it has the expertise to be able to tell you what you have to do to be able to rectify the situation, in order to conserve energy. They can also give you an idea of what costs you are looking at, and what your savings are, compared to what your capital costs are. The individuals have to be fairly expert in what they are doing.

If one looks at some of the energy audits that were done for some of the businesses here, they are very concise, and I would say that very good work was done to give a cost relationship on what your capital costs are, as opposed to what you are burning. In most cases, it is staggering what a small capital installation that works can save in money.

Mr. Veale: Would this program be one that would take place in outlying communities first, or would it take place in Whitehorse first, or does it have to be in a large enough market to actually be implemented?

Hon. Mr. Lang: I just tried to project to you what we are looking forward to, in various other aspects of the Agreement. As I indicated to you, we are just negotiating with the Government of Canada under this Agreement. Those decisions have

not been made yet. If we are successful in implementing this aspect of the program, it will be duly announced as to how to apply for it, and where it will be done. These will all be announced at the same time.

Mr. Byblow: If I understand the Minister correctly, he is saying that under this program energy incentive programs will be introduced, and part of it will be direct financial assistance to improve the energy efficiency of commercial, industrial, and institutional establishments?

Hon. Mr. Lang: That is already in effect.

Mr. Byblow: If this is now being beefed up by half a million dollars, it obviously indicates a stepped up program in that area.

Is the stepping up priority directed toward the research end, as the Minister indicates, about the wind experiments in Burwash, or is it going to be to the existing structures, and energy efficiency there? Where is the emphasis of the additional half million going to be placed?

Hon. Mr. Lang: Of course it depends on applications. It depends on two things: if we are successful in getting a program together on energy audits in residential quarters, and also the continuance of the commercial audits. That would be the priority, but we would also be putting in some money, depending on applications coming forward from organizations and individuals; we would be putting some dollars in that area if they have good, innovative ideas, and are going to serve a community or small section of the population in a given area.

Mr. Byblow: Just to get this down to very practical terms, I have a constituent who wants to refurbish his house and the exterior to retain the escape of heat. If he applies, he would receive assistance on what basis and how much?

Hon. Mr. Lang: I fear you are one step ahead of me. Initially, there were a number of individual applications put forward and approved. Then, in analyzing them, it was felt that it was strictly going to aid one or two individuals in respect to what their energy requirements were. There were demonstration programs which were fine. That was one element of the program, but in analyzing it, it was felt that we were much better off utilizing those finances to try to encourage organizations within a community or municipality to come forward with various ideas. That way, money could be utilized to the best interests of a lot of people within the community. That basically is what we are looking at at the present time.

In answer to your question about your constituent, no. At the present time we would not be prepared to look at it, but, if we do get the energy audit aspect of the program into place for residents, then there could be some aid there.

As I said earlier, and perhaps I should never have mentioned it because I have gotten into an area where we are just in the talking stage, if we are successful then there will be something made available for the general public, as far as private homes are concerned.

Mr. Byblow: How was the \$500,000 spent last year in the final instance?

Hon. Mr. Lang: There was a combination of two, but I do not have the specific projects; there were a number of individual projects that went ahead, and there were a number of commercial establishments that were audited. Some financial assistance, up to 50 percent, up to \$5,000 to \$10,000, was made available to them to encourage them to implement what the energy audits had come forward with. In large part that is where the money was spent.

Renewable Energy and Energy Conservation Agreement agreed to

Highway Signs and Rest Stop Program

Mr. Deputy Chairman: Highway Signs and Rest Stop Program, \$35,000.

Hon. Mr. Lang: Last year we allocated \$20,000 to the Watson Lake turnoff on to the Stewart Cassiar Highway. We did not go ahead with that project for a number of reasons. The major reason was that we are seriously looking at putting in a weigh scale on that highway. Subsequently, the money was transfer-

red and implemented in a program of the Dempster Highway, which is a turnoff for the Arctic Circle. Until this past fall we did not have a turnoff at the Arctic Circle and we did have some work done by our campground people up there. We felt that it was more inexpensive to do the project while we had a number of workers already up there, and, as it turned out, I think we had a fairly good job done.

For the forthcoming year, we have \$35,000 budgeted. There are a number of areas that we are presently looking at. We intend to go ahead with the Watson Lake kiosk, which hopefully will be implemented in the spring.

Two or three other aspects come to mind. The community of Faro has indicated that they would be looking at some sort of kiosk on the outside of the Faro Campbell Highway. We are prepared to look at that.

There is some question as to whether or not we should also be looking at implementing and completing the Dempster Highway, in respect to the erection of a cairn at the turnoff to the Arctic Circle.

So, there are a number of projects we are looking into, at the present time, but it is for the purpose stated here, Highway signs and Rest Stop Programs.

Mr. Byblow: I was going to ask the Minister if there is the authority to transfer funds from a project-designate to another one. I guess he did it within the parameters of the Highways and Rest Stop Program, and just because he moved it from the Watson Lake area over to the Dempster, it does not create any problem. It is the prerogative of government.

Hon. Mr. Lang: Yes, we have full executive rights. If we do transfer money, we have to come back with a supplementary and say why, because we always have to answer to this House. So, there is flexibility built within the Budget; it is not totally cast in stone.

Mrs. McGuire: I just want to ask the Minister if, when he is looking into signs for the areas of Watson Lake and Faro, he could perhaps look into a problem that we have in Haines Junction, right at the Junction?

I do not know what the trouble is, but it appears that the highway signs are inadequate. The reason I have recognized this problem is that, during the busy time of the summer season, we get an average of perhaps two cars a day arriving back from Whitehorse, which were heading for Anchorage. They started out at Haines, Alaska, and missed the turn and went right on through to Whitehorse and have had to come back.

Some Member: It is good for business.

Mrs. McGuire: I know it is good for business, but it is very awkward for the tourist, I would imagine.

Hon. Mr. Lang: There is no question that it is good for the Whitehorse trade, but I will have a look at it. I do not know what more we can do because I have been through there a number of times and I always thought it was fairly well signed. I guess you can get to the point of bringing in bigger signs or something, but you would think that when people are coming through a community such as Haines Junction, or for that matter Whitehorse or Watson Lake, they would be looking for some directions.

If the Member opposite has any ideas and she wants to jot them down and send them to me, I would be more than prepared to look at them.

Mr. Penikett: I guess the Minister has never been to Haines by mistake.

Let me ask about the Highway Signs and Rest Stop Program. This summer, I recall a bit of a brouhaha about the garbage bins that were located at the tourist stop on the Alaska Highway at the top of the South Access, which I gather some of my constituents in the south end of town had taken to using. I recognize, as a result of conversations with the Minister of Municipal Affairs, that this is largely a municipal problem and there may be some resolution being worked out with the City, at least as far as the local users of that facility is concerned.

However, the concern has been recently expressed to me that we could have a problem in respect of tourists not having

sufficient capacity there to put garbage in, and that we could have a garbage problem as a result of that. I know that the bins were removed this summer, but I might ask the Minister what his intentions are in respect of next summer regarding that location?

Hon. Mr. Lang: I definitely do not want to cop out of the question that the Member is putting across to me, but that is not my responsibility. It is the Minister of Municipal Affairs' responsibility.

To my knowledge, I think the estimated cost of servicing that stop is in the area of \$20,000 a year, if it goes on a year-long basis. Now, whether or not my colleague is going to see that it is available over the course of the summer months or whether the City is prepared to do that, I do not know. I think the Member opposite will have to wait to see what comes out in the discussions between the City of Whitehorse and the Minister of Municipal Affairs.

In respect of this program here, it is strictly a business kiosk type of thing, which is put there to inform people of the various services offered in a particular community, as opposed to travellers passing by without any knowledge of what the community has to offer.

Mr. Penikett: I think I knew that. I just tried to slip it in, as they say.

The only point I want to make, and I just want to serve notice to the Minister that we will be asking questions, is that I have reason to believe that some agreement may be able to be achieved by the City very soon and I think it would be a mistake, if we get the municipal problem worked out, if we do not take care of the tourist problem.

Mr. Byblow: The Minister, I am sure, would be very pleased to hear at least one complimentary gesture respecting one of his programs. There has been a campaign in Faro for years to erect a kiosk and I am pleased to hear that it may actually come to fruition this year.

I think, in all seriousness, though, I would express to the Minister that perhaps he should have his Department take seriously the brief that was tabled in the House last week, respecting the development of tourism in the Campbell Highway corridor. I think, with the economic development that is in store for the area, the promotion of the tourism sector to go hand-in-hand with that is something that I have received considerable pressure to advance, on behalf of the people living in the area.

Certainly, not to wish, to even appear as if in a conflict of interest, I think the Minister should be aware that many people, by natural choice, are beginning to use that Highway more and more, and in the Highway and Rest Stop Program, he ought to devote some attention to that area to increase the attraction for the tourist to utilize that triangle route up to Dawson, Alaska, or on the return. Certainly, by mounting a kiosk, it is very encouraging.

Hon. Mr. Lang: I think that the Member for Faro is making a statement on behalf of his constituents and I appreciated hearing it.

Mr. Penikett: I, too, can tell the House and all Members, including the Minister, will be pleased to know, that if he stops at the Faro Hotel he will get excellent advice about the fishing holes around the area.

Highway Signs and Rest Stop Program agreed to

Mr. Deputy Chairman: We are going so slowly that, at this time, I will declare a brief recess.

Recess

Mr. Deputy Chairman: I will call Committee to order.

I might point out at this time that, after the 5:30 recess, we will be debating Bill Number 67 and, if we finish that, we may go into Bill Number 69.

Mr. Byblow: Are you saying that whether or not we finish the Capital Budget, we will be going into those Bills?

Mr. Deputy Chairman: Whether or not we finish the Capital Budget, we will be going into those Bills.

On Business Development Program

Hon. Mr. Lang: On the Business Development Program, Members across the way will recall that we are just looking at it in the future. I am asking permission for the Legislature to vote at least a portion of the money to aid us in our negotiations with the Government of Canada, namely DREE, for a cost-shared agreement for the Business Development Program.

You will recall there was legislation passed some time ago, but it has never really been brought into effect because there has been no financial assistance available.

Mr. Byblow: I would like to ask the Minister if, when he is talking about \$300,000, he is talking about the Territory's portion towards a larger funding availability under DREE?

Hon. Mr. Lang: I guess it is a valid question.

In negotiating with the Government of Canada, we are looking at the Government putting in \$255,000, with a probable \$300,000 initial business development fund. We like to think it could be more, but it will be a question of negotiations with them. The crucial aspect of that, of course, is going to be the cost-sharing. We like to think we could get an 85-15 cost-sharing, as far as the program is concerned.

If it requires more than that, we are going to have to give serious consideration to whether or not we can afford to go into the program, because, as you know, our financial limitations are such that any major expansion over the 15 percent would put us in a very difficult financial position.

Under the General Development Agreement, we have a 60-40 split, as far as Renewable Resources is concerned, and it does really take a lot of finances from the overall General Revenue of the Territory. It is all going to be a question of whether or not we can come up with negotiations with the Government of Canada and put it into effect.

So, I want to stress here that I do not want to raise anybody's expectations, but we are looking at trying to get some money voted so that, if we do go into it, at least we have the approbation allowing us to say we can go ahead with it. Now, how much will be involved remains to be seen. If it was \$300,000, then we would not be required to come back to the Legislature, we will have vote authority; but, if it is over, we will have to come back with a supplementary.

Mr. Byblow: The way the Budget is set up, the line item would indicate the 100 percent allocation; therefore, the Territory's portion of this, because of the possible recovery scheme, may only be \$45,000. My question, then, would be: is it the intention of the Government to disburse the funds under the provisions of the *Business Development Ordinance* that we passed two springs ago?

Hon. Mr. Lang: That would be the idea under this program. We will have to sort out our priorities because, if it is only \$300,000, it is not very much money.

Mr. Byblow: The Minister having said that, I would then ask him why the Government did not appropriate a larger degree of funding in this area?

Hon. Mr. Lang: I did not want to raise the expectations of the Members of the Legislature and, in turn, those of the public, because we really do not have all the information and we have not concluded our negotiations. If more money is made available, I will announce it and report back to the House in the spring.

*Business Development Program agreed to
On Comprehensive Development Agreement*

Mr. Deputy Chairman: Comprehensive Development Agreement, \$2 million.

Hon. Mr. Lang: In my opening remarks, I indicated that we were asking for vote authority for a Comprehensive Development Agreement. It refers back to our negotiations with DREE, to look at going into an agreement for the 1982 year and, perhaps, as far as 1985 or 1987, depending on a combination of the results of our discussions with the Department of Regional and Economic Expansion and the Department of Indian Affairs.

I will be in a better position to report back to the House. I

would think, this coming spring exactly what we have agreed to, if we have agreed, in respect to entering into a further umbrella General Development Agreement.

Mr. Veale: The \$2 million, is that money that is now received?

Hon. Mr. Lang: *inaudible*

Mr. Veale: I see. When does the Minister expect to receive the \$2 million? When an agreement is reached?

Hon. Mr. Lang: Yes. We are voting money for the 1982-83 year. As indicated earlier in my remarks, we are in the process of negotiating the General Development Agreement with the Government of Canada, as far as the Department of Regional and Economic Expansion is concerned.

The Member for Faro has raised some very good points. Many of these programs are coming to an end for the 1981-82 year, with strictly the clean-up of those various agreements.

We are looking at going forward with other agreements and carrying on in the work that we are doing, for example, our campground programs in Renewable Resources. We are going to try to negotiate an overall agreement with the Government of Canada.

Mr. Byblow: I am a little confused as to what the Minister is talking about here, as being the Comprehensive Development Agreement. Is that identical to the GDA, or is it under the GDA that he is intending this to take place?

Hon. Mr. Lang: It is the General Development Agreement that gives us the vote authority and the legislative authority to go ahead and negotiate with the Government of Canada. We are asking the House to vote \$2 million and we are looking for an 85-15 split. Therefore, we are really asking for \$300,000 of Territorial money to be spent.

Mr. Byblow: Recognizing that the Minister has seen fit to have this item entered, for negotiation purposes, to continue the type of programs that have been established under the Tourism Development Sub-agreement, I am wondering if the Minister has a premonition of the termination of the sub-agreements?

Hon. Mr. Lang: The sub-agreements presently in effect do have a finite time. We are looking ahead in respect to going into future agreements with the Government of Canada. What we are asking is, along with the clean-up of our current agreements of 1982 and 1983, that we want to go into a further agreement with the Government of Canada for, hopefully, a period of three to five years.

Mr. Byblow: Which I think is a very sensible approach.

I would ask the Minister, then, if his intention, under the Comprehensive Development Agreement, is to have essentially the same sense of priorities about the disbursement of the funding towards economic and tourism purposes that he has now? I raise that with the concern that there has been some criticism of the nature of the emphasis of some of the monies, under the past programming: for example, Dawson has been debated, I think, three hours in the last Budget. Is it the intention of Government to have a different set of priorities, or basically the same ones that have been in place for the last three years?

Hon. Mr. Lang: For example, it would be our intention to highlight some emphasis on tourism in the Watson Lake and Kluane areas. It was indicated when we first went into the Agreement that we were going to concentrate on the Dawson City area and, partially, on Whitehorse. Once that Agreement had been completed and we went into another one successfully, we would be looking at the National Park in the Kluane area, to see what areas we could develop to put in a capital infrastructure in that area. We would also be looking at the Watson Lake area and, in some aspects, perhaps even Carcross.

Mr. Veale: Is the matter, then, completely up in the air, in terms of the nature of the monies and the terms and conditions? Is that is what is under the process of negotiations at the present time?

Hon. Mr. Lang: That is correct. Basically, we would like the approbation of Members here to at least vote a line item. If

it is more, then we will bring forward supplementaries in respect to this aspect of the Budget.

Mr. Veale: I guess the only point to make is that this particular line item is not under the normal concern we have about allowing tenders to be laid out this winter, and that is not the intention with this item. Presumably, then, any expenditures of this item would be made, unless they were indoor style construction, in 1983-84.

Hon. Mr. Lang: That is true. We could very well be going into some projects for 1982-83, depending, once again, on our negotiations with the Government of Canada in respect to a comprehensive agreement being signed. We are hopeful it will be 1982-83, but it will depend on our negotiations with the Government of Canada.

Mr. Veale: Maybe this has been answered, but is it essentially for the same kind of development agreements that have been taking place, or is it a new concept, a departure from the past?

Hon. Mr. Lang: That has not totally been determined. I think there will probably be some emphasis similar to what we already have in place, with perhaps some new concepts coming into play.

*Comprehensive Development Agreement agreed to
On Programmable Calculators*

Mr. Deputy Chairman: Programmable Calculators, \$3,000. Questions?

*Programmable Calculators agreed to
On Tourism and Economic Development*

Mr. Deputy Chairman: Tourism and Economic Development. Total authority \$5,306,000.

Tourism and Economic Development. Total Authority agreed to

Mr. Byblow: I realize we have cleared the item, but there is one question I had on Whitehorse Business Improvements. The question was simply, has the money been expended, and how?

Mr. Deputy Chairman: Mr. Byblow, I think that we will have to open that up again or you can ask a question when we go back to Schedule A.

Mr. Byblow: Fine.

Mr. Penikett: On a point of order. I might provide some guidance. There are a number of programs that, as we go through the Budget, have been started and which have died. While we are not approving any money, it may be useful, if the Minister feels willing, to give us some kind of comment as to why something has not been continued, or not carried out. It is not a big deal.

Mr. Deputy Chairman: I think that we will have to have consensus of the House. Is that given?

Agreed

On Whitehorse Business Improvements

Hon. Mr. Lang: With respect to the Whitehorse Business Improvements, as you can see, funds have been allocated for the 1982-83 year. We have been discussing, over the course of this past summer, coming to an agreement with the City for the purposes of improving the Main Street of Whitehorse. Things look fairly good and we will probably be a position to sign an agreement tomorrow.

I have been very insistent from the start that any monies expended in the downtown area not only has to be cost-shared with the City, and in some cases with the private sector, but also to ensure that any improvement is made along some sort of theme that will make it attractive to tourists, as well to the general public. It appears to me that we have reached an agreement and I should be in a position to announce it tomorrow.

Mr. Deputy Chairman: I would draw the Committee's attention to page 31, Justice. General discussion.

Hon. Mr. Tracey: As you can see, there is very little in this budget. The \$38,000 for capital expenditures is for replacement equipment, to replace things like ovens, chainsaws and other equipment that is constantly wearing out. The \$1,000,000 that we have in there for the Correctional Institute is, of course,

subject to Treasury Board approval. We are hopeful that we can start on a new Correctional Centre. Right now we have approximately, according to the last figures I got, 87 prisoners in a facility designed for 48. We have a very serious problem with prisoners and we are in dire need of a new Correctional Centre.

The \$30,000 for the Supreme Court Furniture is to provide for a second Supreme Court Judge. We are not sure whether we are going to get the Judge, but if we do, we are prepared for it. The federal government is looking at another judge, so we are anticipating that. That is pretty well the total of the Budget.

Mr. Byblow: I appreciate the Minister's comments. I look at his departmental objectives, and I see a very concise statement of Department purpose. I suppose it is the type of purpose that is near impossible to dispute. I would then raise the question with the Minister, in general debate, with respect to the Deschenes Report, and it has been a matter of discussion ...

Hon. Mr. Tracey: On a Point of Order, Mr. Chairman. We are dealing with Capital Budget here, I believe, not with the Deschenes Report.

Mr. Deputy Chairman: I would let the Member continue for a moment.

Mr. Byblow: In the implementation of recommendations relating to the Deschenes Report, there would be some expenditure of capital required as all the recommendations may be put in place, and I was only going to give the Minister a compliment, in the sense that he has introduced and put into effect two recommendations, and would only raise the concern of addressing the others for which he may very well require some capital monies.

I notice that the nature of the expenditure is of a very routine nature except, of course, for one. And I would ask at this point, respecting the Correctional Institute, to what extent have any studies been done with respect to the need for an expanded facility of this nature?

Hon. Mr. Tracey: First of all, I would like to deal with the Deschenes Report. As has been said numerous times by me in this Legislature, that was a judicial study done by the Judiciary for the Judiciary, and whatever recommendations that this Government accepts out of that is not even incidental to the Capital Budget.

As for the Whitehorse Correctional Centre, there has been a significant amount of work done by the Department on the need for the new Correctional Centre. There have been design plans. We had to do all of this work in order to get Treasury Board approval. We are hopeful that we are going to get Treasury Board approval, but I must make sure that you understand that the \$1,000,000 that is in this Budget is still subject to that approval. If we do not get it, we cannot proceed with it. We have to have approval for the total project, not just this \$1,000,000. The \$1,000,000 is just a start on it, just enough to do the plans. We have to have approval from the federal government on this, at least, five-year project, which will probably end up costing us \$20-\$25,000,000. The \$1,000,000 is there because we want to proceed with it, but we have to have approval.

Mr. Veale: I would like to differ with the Minister with respect to the discussion of departmental objectives. I agree that we are in the Capital Budget, but I think it is quite appropriate to raise important questions like the independence of the Judiciary, which is an extremely important issue in the Territory, not specifically to talk about the Deschenes Report but to raise the subject, even in a Capital debate, because it is just something that permeates the entire Justice system. While we are having money spent for furniture for a second Supreme Court Judge, and that is all fine and good, it is extremely important that we be allowed to speak our minds on the general subject and objectives of the Department, and that is to foster an independent Judiciary and ensure that there is no political interference, or disputes that take place with that Judiciary. I wonder if the Minister might be prepared to answer a question which is not equipment oriented, but may require the expenditure of capital, if it were implemented, and

that is: is the Minister prepared to look at the concept of having a judicial council, perhaps like the one that has been set up for the J.P.'s, as I understand it? Is he prepared to have that set up on a Territorial Court level to make recommendations regarding the Judicial system, and provide a buffer between the political arm of government and an independent Judiciary?

Hon. Mr. Tracey: I am not sure whether I should answer this type of question. We are dealing with the Capital Budget here. If the Member wants to come and ask me questions such as that, I will be prepared to answer them anytime. In this instance, I will answer this, but I am not prepared to answer questions that are dealing with the Department in general when we are dealing with Capital Budget.

Yes, I am prepared to look at a Judicial Council, but I think the Member opposite should understand that we have one Judge here. He is suggesting that we have a Judicial Council of four or five people set up to help administer one Judge. There is one Judge right now, and a Deputy who is brought in. We are considering appointing a second Judge. There has to be a little bit of common sense used here. I am prepared to look at a Judicial Council. We are looking at it right now. I am also prepared, if we do not set up a Judicial Council, to look at setting up a body of people to make recommendations on the administration of Justice in the Territory. I am prepared to look at all of these things. I am not saying no, out of hand, to any one of them.

Mr. Deputy Chairman: Thank you Mr. Tracey. I agree that it is a little broad, nevertheless I think, in general discussion, it is to far off to have a few answers.

Mr. Kimmerly: I wish to make a comment about the Departmental objective, as it is stated in the Capital Budget, and I note that in the departmental objective in the 1981-82 Capital Budget, there is a paragraph there outlining the various functions of the Department of Justice, for example, giving legal advice to the Commissioner and the Legislative Assembly, and that particular function is not identified in the present departmental objective. I would like to say that it assists members of the public and Members of this House when the various departmental objectives are all identified. I am going to mention the Deschenes Report, but very, very briefly, with reference only to the Minister's comments. He said the report was for the Judiciary, by the Judiciary, and if he looks at the title page, he will find that statement is slightly inaccurate, in that the report was for two bodies, only one of which is the Judicial Council. The next statement I would like to make is about the departmental objectives, and the particularization of the policy under the departmental objectives. I note that on a specific item there is funds for Furniture for a Court, presumably a Court in a Judge's chambers, and I would recommend to the Minister that the policies in the department be delineated as they apply to capital expenditures. What I am specifically talking about, in relation to court furniture and court houses, is that this jurisdiction, Yukon, is the only jurisdiction in Canada without a court house, a separate court building. We are looking at provincehood in the foreseeable future, and I would ask the Minister to consider, and to state to the House, a policy concerning a court house as a capital expenditure to house the third arm of our government in Yukon. We cannot possibly be a fully responsible government without the judicial arm of government being properly housed.

I would also recommend, on the same general principle, that throughout the communities of the Yukon, justice is administered, often, in makeshift quarters. There is a court house in Watson Lake, which is an excellent court house. I would recommend that there be a plan to add, over the years, as the budgets will permit, facilities in all the communities of the Yukon, facilities which can be used as multiple-use facilities, but also as a dignified court house, a place where there are such elementary things as interview rooms for clients and lawyers, and the like. Local court houses in the communities outside of Watson Lake and Whitehorse are areas that the Minister ought to be looking at, and negotiating with the federal government

for the capital funds to supply Yukon with those facilities.

Going on to another general departmental objective, there is, in the Budget, an expenditure of \$1,000,000 for renovations to the jail, and a note that the estimated cost is \$17,300,000. The Minister also made a statement that the jail might ultimately cost \$20,000,000 or \$25,000,000, a rough figure. If the Minister is able to put in print an estimate of \$17,300,000, there ought to be some sort of drawing of the facility, or the planned additions to the facility. The jails have always been expensive. They are expensive all over the country. It is the most expensive social program that there is. I would recommend to the Minister, in the context of a capital budget, that the expenditures for jail facilities be put side by side with alternative community work programs, the probation programs, and the like. The Ministers of Justice in the past made statements about priorities in that respect, and those priorities are definitely relevant to capital expenditures. I recognize that the jail population is beyond the control, at least in a large measure, of the executive arm of government, and that that makes planning, and especially capital planning, extremely difficult. There is no criticism intended, or implied, that capital planning cannot be very precise. It simply cannot be, but the Deschenes Report talks about the inter-relationship of the judicial arm and the executive arm and I would recommend to the Minister that the direction of the sitting judges, especially the Territorial Court Judges in the criminal area, be solicited and listened to, in regard to possible capital expenditures.

As a specific example of that, I am clearly aware that a part of the Correctional Centre, which was originally built out of trailers, and was originally intended for the people who serve time on an intermittent basis. These are, by in large, impaired drivers who are serving time on the weekends. Now, there was a plan to put those people in a separate building beside the nature complex, on the same grounds. That plan has extremely important capital budget implications. It also has extremely important security implications, and the policies of the Crown attorneys and the sitting judges are crucial in order to make a sensible plan. I recommend to the Minister that those people be consulted in this kind of Capital Budget.

Hon. Mr. Tracey: I would like to deal with his first item first, and that is the judicial report by the judiciary. The report done by Mr. Deschenes was in conjunction with Mr. Carl Barr, an American law professor, now teaching at Brock University in Ontario. It was done for the judiciary, the Canadian Judges Conference, Superior Court Judges, and the Association of Provincial Court Judges and the Judicial Council. It was a report by the Judiciary, for the Judiciary.

If the Member opposite would help me, we could go to Ottawa to convince the Treasury Board that we not only spend \$17,000,000 or \$20,000,000 for a new Corrections Centre, but spend that much again for a court house. If he expects that the federal government is going to give us both of them, well, it is obvious that he is dreaming. We will be lucky if we get \$17,000,000 for the Correctional Centre, never mind the both of them. We know that we would like to have a court house. We took it out of the budget, not because we do not want to build a court house, but because we know that we are not going to get funded for it. So we picked out priority, which was the Correctional Centre. We need that worse than we need a court house.

As for the facility up the hill, right now it is crowded. We know that it is crowded. We are looking at alternatives, which is one reason why I already told the Member opposite that I was not prepared to look at Native alcohol people going to Wolf Creek, because we are looking at it for an alternative between now and when we get a new Correctional Centre, or some expansion to the present one. That is the reason why the Native alcohol people are being told no, because I am trying to put together a proposal that will allow us to utilize that facility that we already own. We have done some modifications to the Correctional Centre in order to facilitate the people who are in there. There are others being worked on right now, such as covering over the interior court exercise yard. Another is to

move the warehouse complex out of that secure building, so that we can utilize the space for prisoners. There are lots of things that we are looking at, but we still need a new Correctional Centre, and we need it a lot worse than we need a court house.

Corrections Equipment agreed to

On Whitehorse Correctional Institute Addition

Mr. Deputy Chairman: Whitehorse Correctional Institute Addition, \$1,000,000.

Mr. Byblow: The Minister may have said this, but could I ask him the extent to which the expansion will provide additional facilities? How much bigger will it be? I recall him saying how many people it accommodates now, and I am curious as to what the long range intention for accommodation is?

Hon. Mr. Tracey: If my memory serves me correctly, it is 100 people, so it would be, effectively, slightly more than double the size of the present Centre.

Mr. Kimmerly: In a supplementary question, at what point of time is the population expected to reach 100?

Hon. Mr. Tracey: We are hopeful that it is not going to come at all, but we expect that if the pipeline goes ahead, or any mega-project goes ahead here — any project is a mega-project here — then that is certainly going to have to be raised to accommodate a hundred. We have eighty-seven in there right now. The average is about sixty-five or sixty-six, or something like that. Maybe in five years, if the pipeline comes, we might have a little crunch, then, hopefully, it will drop off again.

Mr. Kimmerly: Has there been any planning concerning the forestry camps which past Ministers of Justice have spoken about?

Hon. Mr. Tracey: Yes, we are looking at work crews. That is one thing that, if we do happen to move to the Wolf Creek site, we are really looking at. We have the ability right now to send one permanent work crew out, and I want to be able to send one more out. We have another project, the Annie Lake Road, that we can spend this winter on with a work crew. It is a very good program, the work crews, and we want to continue it and expand it.

Mr. Kimmerly: The Minister has made statements about the utilization of the Wolf Creek Complex. Is the planning around the utilization of that building to put younger offenders there, or short time offenders, or to classify the offenders by security risk?

Hon. Mr. Tracey: They would be classified by security risk. *Whitehorse Correctional Institute Addition agreed to*
On Supreme Court Furniture

Mr. Chairman: Supreme Court Furniture, \$30,000.

Mr. Kimmerly: Does this figure include the construction or refurbishing of a Supreme Court room, as well as of Supreme Court Chambers?

Hon. Mr. Tracey: No, this was just for furnishings for a Supreme Court Judge, if we did get one. The federal government is looking at putting in an alternate judge here, a Deputy Judge, and if they do we will have the money budgeted. If they do not, we are not going to be able to use the money.

Mr. Kimmerly: I remember when the vote was made for capital funds to complete the furnishings for a second Territorial Court Judge, and the vote was \$7,000. That included a court room as well as the Chambers. Why is it so much more expensive now? What possible furniture could cost \$30,000 for one office?

Hon. Mr. Tracey: I think my colleague answered that question.

Mr. Veale: There is a point to be answered, because if a second Supreme Court Judge is hired, there is going to have to be a second Supreme Court facility. Otherwise there will be only one Judge working at a time. Surely, \$30,000 is not strictly for the chairs and desks in one particular office. Does it not include renovation of one of the rooms in the Federal Government Building to provide for the Chambers facility, or a second open court facility?

Hon. Mr. Tracey: No. It is for the furnishings for a second

Judge's office. It was hoped, in the original Capital Budget, that we could build a new Court facility, and this money would be part of that. We have not gone for the new Court facility, but we know that the federal government is still looking at a Deputy Judge, so the money has been left in the Budget, in anticipation. Whether \$30,000 gets spent for a new Judge's furniture or new office, is another question. We are not saying because we have it all in there that it is all going to be spent.

Mr. Veale: Just one final question. What provision will be made, should the second Judge be appointed, for facilities for that Judge, in terms of courtroom space?

Hon. Mr. Tracey: I think the federal government has a building downtown, and they will probably allot the space for it.

Mr. Penikett: I wonder if I could ask the Minister of Justice if any land has been acquired in this neighborhood for the purpose of putting up a Court facility — No car dealership's land has been purchased, or anything?

Hon. Mr. Tracey: No.

Mr. Penikett: I wonder if the Minister of Justice could tell me if it is contemplated that land presently used by a car dealership is being contemplated for purchase by the Government for some judicial purpose?

Hon. Mr. Tracey: I do not think that I will answer that. It is just a matter of opinion. It is a matter for the complete Cabinet here to make a decision on whether we would purchase land or not, and we have never addressed that question.

Mr. Penikett: Since the Cabinet has never addressed the question, that puts my mind to rest, but the Cabinet should be aware that there is talk around town that a certain car dealership's land has changed hands recently, and they had no comment on it, at this time.

Mr. Graham: I think that what Members opposite, do not seem to realize, and I think they should, as the Member for Whitehorse South, Mr. Kimmerly, said, we are the only jurisdiction in Canada which does not have a court house. I think he should also realize that we are the only jurisdiction in Canada that was not given a court house by the federal government. The contention that the Leader of the Opposition seems to be making, that it should be our responsibility to erect a court house, I think is wrong. It should be the federal government's responsibility.

Mr. Penikett: I made no such contention. I was simply asking questions about whether the Minister of Justice knew if any land had been purchased from a car dealer. That was all I was asking, and if he did not know the answer, that is fine. He did indicate that they might be considering it, though.

Supreme Court Furniture agreed to

On Other 1981-82 Items

Mr. Deputy Chairman: On Other 1981-82 Items, are there any questions?

Other 1981-82 Items agreed to

On Justice Total Authority

Mr. Deputy Chairman: Justice Total Authority, \$1,068,000? *Justice Total Authority agreed to*

Mr. Graham: I move that you report progress on Bill Number 70 and beg leave to sit again.

Mr. Deputy Chairman: You have heard the Motion. Are you agreed?

Motion agreed to

Mr. Graham: As government House Leader, I should state that the reason that we have made this motion is that we may consider Bill Number 67 and 69 this evening, due to the fact that we are intending to also run a separate committee meeting, the Committee on Food Prices, in a separate location, and we wish all Members to be available for Bill Number 70 tomorrow, when it will be discussed further.

Mr. Deputy Chairman: I have already notified them. We will be studying those Bills after we recess. I will now declare a recess until 7:30 p.m.

Recess

Mr. Deputy Chairman: I call the Committee of the Whole to order.

We will be debating Bill Number 67, *Bulk Sales Ordinance*, Clause 1. This Ordinance may be cited as the Bulk Sales Ordinance.

On Clause 1

Hon. Mr. Tracey: I stated the basics of the *Bulk Sales Ordinance* at the Second Reading. I will expand on it a little bit.

The changes that are to be made by the proposed Ordinance are to exclude the security transactions that are dealt with in *The Personal Property Securities Ordinance*; to improve the flexibility of the Ordinance by providing for judicial exemption from requirements with strict compliance with the Ordinance where such compliance is onerous, cumbersome and pointless; to exempt transactions that are under \$2,500; to decrease the amount that may be paid as a deposit by the buyer of the business to the seller; to provide for the filing of publication of Notice of Sale, which will fit more precisely the commencement of the limitation period; and numerous other changes.

The reason for the *Bulk Sales Ordinance* is so that business can sell and the buyer can buy, and they can transfer the inventory to the buyer and protect the actual owner of the inventory.

Mr. Byblow: As a uniform law, I do not think that there is going to be too much to dispute in the sales procedures that are being put in place here.

I do have a general question. When the Minister was speaking to the Bill in Second Reading, he made reference to the fact that it has been twenty years since the *Bulk Sales Ordinance* has been revised, or overhauled, or looked at in the Territory. The *Bulk Sales Ordinance* that we are working under now was first brought in in 1956, and that is what we have been working on since that time.

He has outlined some of the major shifts that have taken place in this Ordinance, and I understand probably the major one to be where a creditor who has certain stock in his possession, through thirty day agreements, and through credit procedures, could have that sold out from under him, and has no recourse to it. I only raise that as a concern, because I am not sure that that is a fact, and not at this point in time. Without this Ordinance, may a creditor lay claim to inventory that has been sold in a sale situation?

Hon. Mr. Tracey: Actually no, the seller can sell it to the buyer, the buyer can buy it, legally, with clear title; then the creditor tries to collect from the buyer and the buyer says, "I bought it with clear title, you have to go collect from the seller," but the seller may be gone somewhere or whatever.

Mr. Byblow: At this point then, we do not have the provision in law for a seller to be prevented from selling goods that are not his. That is really what it amounts to?

Hon. Mr. Tracey: This happens all the time, yes. That is the idea of the *Bulk Sales Ordinance*. It is to protect the buyer, the seller, and the creditor.

Mr. Veale: I think that the major advantage of having the new legislation is that it in fact makes a lot more provision for the appointment of trustees, and setting up the actual procedure of where a bulk sales declaration is filed, after a sale is completed. The old Ordinance was very vague on what you did once you had a bulk sales declaration. The concept of the trustee, and I guess the registrar, are two general questions I would have for the Minister. Who would he envision acting as trustees in the matter? Is there any particular profession that he has in mind that would be available in the Territory? Also is the registrar appointed under personal property security? Maybe you could advise if that registrar has been appointed at this time, so that is all clear.

Hon. Mr. Tracey: The trustee could either be a lawyer or it could be an accountant. It could be anyone who would hold the money in trust. The registrar has not been appointed, but it would probably be the registrar who is appointed under the *Personal Properties Securities Ordinance*. That registrar has

not been appointed, because we have not brought the *Personal Properties Securities Ordinance* into effect yet.

Mr. Veale: So this will wait for that to come in?

Hon. Mr. Tracey: That is right.

Mrs. McGuire: I am not quite sure I have this figured out here. Okay, the reason for this Ordinance is to protect the creditors of the business, "By imposing on the buyer of the business the responsibility to make sure that the creditors of the seller have been looked after." Now who looks after the buyer of the business should the seller buy a bunch of goods on credit, and sell those goods before he makes the sale, yet the credit for the goods is still sitting with the people selling to him? The buyers of the business should not be responsible for that type of credit given out when the goods are already sold.

Hon. Mr. Tracey: I think, as we go through the Ordinance, you will find that the seller has to make a declaration to the buyer and to the Court, either that his stock is clear or who the creditors are. It is incumbent upon him to file this. I think as we go through the Ordinance that will be clear to you.

Mr. Veale: Just one more general comment. There is provision for a bonding requirement; is the Minister aware of any businessman or organization in Yukon who actually provides for bonding?

Hon. Mr. Tracey: Just off the top of my head, no, I do not know of any. There might be. I am not sure if you get bonding through a bonding company, or through a bank, or what. I could not tell you for sure.

Mr. Veale: It is just a question I raise because I think it is a difficult problem for any small businessman or trustee, whether he be an accountant or otherwise, to get bonding without going to some agency outside the Territory, and that might be something that the Minister could look into, to assure that there will be bonding available. It could perhaps be made available through insurance agents or whatever, but if it is not available, it could create a real problem.

Hon. Mr. Tracey: That is an excellent idea that he raised. I will certainly check into it and try to ensure that there will be a bonding agency here.

Clause 1 agreed to

On Clause 2(1)

Mr. Deputy Chairman:

We all go to Clause 2(1) and may I ask Committee if they wish to take that total clause at once?

Hon. Mr. Tracey: As I say, it is uniform law and I would hope that the Members across have had a chance to look at it. We have two lawyers over there. I think they probably are quite capable of picking holes in it, if there are any. So I would suggest that if it is possible, to speed it up, that we deal with it clause by clause instead of taking each little piece of the Clause and dealing with it.

Mr. Kimmerly: I have no comment. The Clause is self-explanatory. It is clear and uncontroversial. The only possible question I can think of is on the definition of Proceeds of Sale. There is reference to the proper and reasonable costs of the seller's solicitor, and I am glad that that is in there, and the unreasonable costs will not be considered.

Clause 2(1) agreed to

On Clause 3(1)

Mr. Kimmerly: I would just like to ask the Minister about the phrase in 3(1)(a). There is a reference to the "ostensible occupation" of the seller. I wonder if the wording could not be made a little more simple by the words "usual occupation"?

Hon. Mr. Tracey: I would hesitate to agree with that. While I agree that that is the meaning of the word, I would, just off the top of my head, be hesitant about changing the word right here, right now.

Mr. Veale: I would ask the Minister why the 3(1)(d) has the word "rooming houses" included specifically. Is there some need in the Territory to include "rooming houses"?

Hon. Mr. Tracey: The reason for "rooming houses" slips my mind right now. I suppose because they might have equipment or furniture that is on thirty-day account, or they are

furnished rooms and apartments, and they might be possibly selling them, or people might be selling out. To be quite frank with you, I could not tell you the exact reason for it.

I would take it under advisement to bring the answer back, if Members would wish that.

Mr. Veale: The use of the word "autocourt" too: I wonder if the Minister has any idea whether that is specifically to apply to somebody in automobile sales, or what is an "autocourt?"

Hon. Mr. Tracey: The word "autocourt" was a word that was used very extensively in this country, 25 or 30 years ago. It is almost synonymous with motel. That is exactly what it is. It is a cabin or a place that can be rented. That was the original name of a motel.

Clause 3 agreed to

On Clause 4

Hon. Mr. Tracey: In 4(1), is that the seller may apply to the Court for an order exempting a sale in bulk. For example, if someone owned a chain of stores and they wanted to sell one, they would go to the Court and they would get it exempted, because the chain is certainly large enough to cover any problem that would arise.

Clause 4 agreed to

On Clause 5

Hon. Mr. Tracey: This deals with what the Member for Klunene was raising, that the seller has to make a statement of what the bulk sale is, and if there is any money owing on any of it.

Mrs. McGuire: So, this Section then protects the buyer of the business from any outstanding credit that the seller may have. So the person selling the goods would have to go after the seller of the business for the credit. Is that it?

Hon. Mr. Tracey: If the seller did not fill out this form accurately and truly, then the seller would be liable, instead of the buyer being liable. That would mean that the buyer would not be stuck, the seller would be stuck for it. There would be recourse in the courts against the seller.

Mr. Byblow: If a seller signs the affidavit respecting the outstanding credit on various items, excluding them from the sale or creating an obligation for payment toward those items in the sale, and does this falsely, then the buyer buys the business and part of the inventory that has in fact, in error, a debt against it, what is the actual practical recourse there? The buyer has paid money. The seller has been inaccurate. The person holding the goods, through whatever terms, as credit, has what recourse?

Hon. Mr. Tracey: He has a recourse through the courts against the seller, and part of the money, as you go through the Ordinance, is put in trust.

Mr. Kimmerly: If I may just make an addition to that answer, there is an additional protection in that the seller, if he makes a false declaration, would also be liable under criminal law. There is an additional protection for the creditor because of that.

Mr. Veale: Just the one question. Section 5(1) mentions a statement in prescribed form. The old Ordinance had one small advantage, and that was that it had a prescribed form attached to it. It seems to me that that is a better procedure, to have the form actually attached to the piece of legislation, rather than having it promulgated at a later date through a regulation. It is easy for everyone to find, and I think that there is a problem when people go to look for the prescribed form, wherein they cannot find the prescribed form unless they have the complete set of government regulations, and that is quite substantial. Will there be some provision for forms to be available at the Personal Property Securities Office or the Ordinance Office?

Hon. Mr. Tracey: Yes, as the Member opposite said, it will be an Order in Council, and it will be available at the desk in Consumer and Corporate Affairs, where the Personal Property Securities registration will be taken.

Clause 5 agreed to

On Clause 6

Hon. Mr. Tracey: All this section does is exactly what it says there. After the seller has made the statement, no creditor has the right to prior claim against the bulk sales property.

Clause 6 agreed to
On Clause 7(a) and (b)

Hon. Mr. Tracey: This is the part the Member for Faro was raising: that 10 percent which must be held in trust until this whole bulk sales matter is completed.

Clause 7(a) and (b) agreed to
On Clause 8
Clause 8 agreed to
On Clause 9

Hon. Mr. Tracey: 9(1)(a) makes the statement that if the total bulk sales of the creditors are less than \$2,500, then this can be exempted. The seller signs the affidavit that there is not more than \$2,500 owed, and that freezes this Section from being included in the bulk sales, so that they do not have to go through all the paper work for a relatively miniscule amount of money involved.

Mr. Kimmerly: I would just like to ask the Minister where the figure \$2,500 comes from, bearing in mind that in the old Ordinance the figure was \$50. I would recommend the figure be the corresponding figure to the limit of the Small Claims Court, which is now \$1,500, I believe.

Hon. Mr. Tracey: I believe the \$2,500 is still protected. It is not excluded totally from the *Bulk Sales Ordinance*, it is just excluding it from having to go through a lot of rigmarole of paperwork. It is not excluded. It is still protected.

Mr. Kimmerly: My question was: why was that figure chosen, \$2,500? I suggested that a proper method for choosing the figure is the upward limit of claim in the Small Claims Court.

Hon. Mr. Tracey: I do not think it makes any difference. If you read 9(1)(b) and 9(1)(c), you will find that the seller either has to pay them all off, or the creditor has to accept that they are going to be paid. Now, there is no need to go to Small Claims Court, because it is already handled here. All this section does is make sure that all the rest of the paperwork does not have to be done. It is covered under this section here.

Mr. Veale: Just as a point of clarification. I do not think that that is the case. This is an either/or section, so that if you go through 9(1)(a) and say that all the unsecured trade creditors and secured trade creditors are less than \$2,500 in each category, that is an end of it. In passing this legislation, the Minister is making the judgement that claims less than \$2,500 are not worth sending through all the other procedures, so the only recourse would be to go to Court. Is that not the case?

Hon. Mr. Tracey: No, I do not believe that is the case. I think the case is that 9(1)b says he delivers a statement saying that the creditor is paid, or 9(1)c, he has made adequate provision. All the \$2,500 exempts is the seller from having to go through the complete paperwork procedure in order to handle the bulk sales. If it is \$2,500 or under, he can use this procedure that is in Section 9.

Mr. Kimmerly: By what process was the figure \$2,500 arrived at?

Hon. Mr. Tracey: I cannot say how the \$2,500 was arrived at. This is uniform law. I am not positive that this is the same \$2,500 that is in every other *Bulk Sales Ordinance*. All I am saying is that this is uniform law. I did not even question the \$2,500. I think it is immaterial, really.

Mr. Kimmerly: I would be very surprised if the Uniform Law Conference specifically mentioned a figure; the particular figure was probably put in by the draftspeople in Yukon. The question that I asked before was that that \$2,500 is presumably a modernization of the old figure of \$50, and there should be some rationale as to why that figure was chosen as opposed to \$5,000, or \$1,000, or whatever. I would suggest that the best way to choose the figure is to choose the same figure as the upward limit of the Small Claims Court.

Hon. Mr. Tracey: How can I argue with the Member across the floor? \$1,500, \$1,000, \$5,000. It is a figure that is chosen. I did

not question it. Regardless of what the Member says, I do not think it is relevant. I think it is protected anyway.

Mr. Veale: If I understand the Minister correctly, his interpretation of Section 9 is that, if you provide a statement regarding no trade creditors over \$2,500, then the Minister believes that the legislation states that it is incumbent upon the seller to do either (b) or (c), in addition. Is that right?

Hon. Mr. Tracey: Yes.

Mr. Veale: The only difficulty I have with that is that after (a) the word "and" is not present. If the word "and" were present, that would indicate that the seller has to go on and do the other thing. But, the word "and" is not present, and if you go down to the end of (b), it says "or," and that suggests that the entire three sections are either/or sections. You can do one, and not the other two. So, I think the Minister should be clear as to which way he is going on that.

Hon. Mr. Tracey: My understanding of this Section is that the buyer — once he receives the statement set out in Section 5 from the seller, that the creditors are either paid, or who they are, and how much it amounts to, if it comes to \$2,500, and there is an affidavit saying that the seller has arranged to make the payment, or he has made the payment — then the buyer can hand the rest of the money over. This is uniform law, and it is accepted by every other jurisdiction the way it is written. I am not a lawyer, as the two Members across the floor are, but if they feel that this Section should be set aside, I am willing to set it aside and bring my legal department in here to answer the questions.

Mr. Veale: I do not know that it is necessary to set it aside. I think the Minister should understand that the intention of the Section is that if the seller supplies a statement saying that there is less than \$2,500 outstanding in debts owed to trade creditors, the deal can go through, even though there is up to \$2,495 outstanding to trade creditors, and he does not have to give an affidavit to say that those trade creditors are paid off. So the point is, that is why Mr. Kimmerly is asking the question about how you reached \$2,500. It is clear that there is a judgement made that anything below that is not a significant enough amount of money to require the other procedures. You do not have to hand it in to a trustee. You can just complete it on that basis. So, it is an either/or Section, and I think the Minister is probably correct. But I think the interpretation is where I question the Minister, and perhaps it should be left out. I think it is quite clear that it is an either/or Section. If that is not the Minister's understanding, then he might have some concern about it.

Hon. Mr. Tracey: Mr. Chairman, I guess all I can say is that if it was an either/or Section, then it is obviously felt that if it was a statement laying out the terms, the buyer would accept that statement, and he would be liable for that money. Now if the interpretation is what the Member across the floor wants to put on this either/or, then it is either way, either there is arrangement made for payment, or the payment is made, or the buyer accepts the liability.

Mrs. McGuire: Maybe the Minister could clear up this for me. The way I read it he is allowed up to \$5,000 credit, because it states here that if the statement discloses that the claims of the unsecured trade creditors of the seller do not exceed a total of 2,500, and the claims of the secured trade creditors of the seller do not exceed a total of 2,500, which is 5,000 dollars. Is that true?

Hon. Mr. Tracey: Yes Mr. Chairman, that is what it adds up to.

Mr. Kimmerly: I have just a comment, Mr. Chairman, this is not a question, but I would recommend to the Minister that after this Bill is passed, and it probably will be passed, that the new figure, \$2,500, which I am sure will not be a figure within the common knowledge of most Yukon businessmen, that the new figure might be mentioned in Yukon Info, talking only about Government programs.

Mr. Veale: Where would the section be that makes the buyer responsible under section 9(1)(a), that we have just

done, because it does not appear to me that the buyer has any responsibility at all under 9(1)(a), if that is the route he goes. In other words, basically, is there not a decision being made that the trade creditor is going to have to worry about outstanding accounts of less than \$2,500?

Hon. Mr. Tracey: Mr. Chairman, I think when we get to Section 13, this deals with what the buyer's responsibilities are.

Mr. Veale: Just looking at Section 13, if we could just talk about that. Section 13 simply says how a sale can be set aside if the buyer does not do what is required, and that is, file the statement made in Section 9(1)(a). There does not seem to me, unless I have not read a portion of it, to be anything to indicate that the buyer is responsible for that \$2,500 to \$5,000 that may be outstanding under a statement under Section 9(1)(a).

Hon. Mr. Tracey: If you look at Section 13(2), you will see that the buyer has to file the statement, and if you look at Section 13(2)(c), this deals with what the buyer's liability is.

If the buyer does not file a statement, then he is liable under the court.

Clause 9 agreed to

On Clause 10

Hon. Mr. Tracey: Section 10 deals with all parts of the *Bulk Sales Ordinance* that are over these \$2,500 limits. Everything over that must go through the trustee, and Section 10 then covers the bulk sale, instead of Section 9.

Mr. Veale: If I understand the Minister correctly, he is stating that Section 10 applies where none of the provisions of Section 9 apply. In other words, if the buyer of a business cannot get a declaration, he cannot get a statement, he cannot get an affidavit from the seller, or anything, he then has the option of having the trustee hold the monies, to make sure that all trade creditors would be paid.

Hon. Mr. Tracey: No. The seller has to make the statement, either way. It does not matter what the sale is. There has to be a statement made under Section 5. If he is exempted under the process in Section 9, he does not have to go with Section 10, but if he does not meet the qualifications in Section 9 then he must meet the qualifications in Section 10.

Clause 10 agreed to

On Clause 11

On Clause 11(1) and (2)

Mrs. McGuire: Could we have an explanation from the Minister on this Section, please?

Hon. Mr. Tracey: Section 11(1)(a) deals with unsecured trade creditors. If 60 percent of the unsecured trade creditors who have in excess of \$500 agree with the sale, then it can proceed. 11(1)(b) says they can apply to a Court. If a Court agrees with it they can proceed. Section 11(2) deals with the trustee. If security is given to the trustee, then they can proceed with the sale.

Clause 11 agreed to

On Clause 12

Hon. Mr. Tracey: This just deals with the list of creditors that the seller must provide.

Clause 12 agreed to

On Clause 13

Hon. Mr. Tracey: Clause 13 deals with the obligations of the buyer. Within five days after the sale, the buyer has to file the affidavit, and if the buyer does file the affidavit, then the onus is on the seller. If he does not file the affidavit, then he is liable for anything that the seller has missed on his list. If the buyer does not file the statement he then becomes liable for what the seller has overlooked. So, the onus is on the buyer to make sure that he completes his portion of the deal; otherwise, he is going to be liable.

Mr. Veale: The reference to the Office of the Registrar: is that simply going to be the office in Whitehorse, or are there going to be terminals under this computer system, so that it can be filed in other communities?

Hon. Mr. Tracey: At the present moment, when it does come in, it will be in Whitehorse. If, in the future, it is felt that there should be a computer hook-up to Watson Lake or Faro or

Dawson City or something, then something would be considered at that time. Right now, it would be Whitehorse.

Clause 13 agreed to

Mrs. McGuire: Who is liable for the trustee's fee?

Hon. Mr. Tracey: The seller. The reason seller is liable for the fee is that it is the seller who has contracted the debt. So, it is up to the seller to guarantee that the debt is paid to the creditors.

Mr. Kimmerly: There was a provision earlier about solicitors' fees, that they only be reasonable fees. Is there consideration given to trustees' fees, that they only be reasonable fees?

Hon. Mr. Tracey: I think that the seller can quite easily contract with the trustee to have a reasonable fee, before it happens.

Mr. Kimmerly: Are there very often bankrupt or unwilling sellers, where that is not the case?

Hon. Mr. Tracey: I think we went earlier past a Section that dealt with bankruptcy, and that is a matter for the Courts. That is not something that I believe should be in here. The Court can contract with a trustee, the same as any other person.

Mr. Veale: Actually, in the case where there is no arrangement between the seller and the trustee, Section 15 provides for the deduction of that money before the trade creditors are paid. Regarding the establishment of a trustee's fee or tariff, where is the Minister going to get direction on that, because I think that is one of the important things. It would have to be fair and reasonable, but it would also have to be sufficiently remunerative as to attract people to want to take the role of trustee. There is nothing worse than trying to get a trustee, and no one wants to take it on because the fee is inadequate.

Hon. Mr. Tracey: I would suggest that, if a fee was set by the Commissioner and Executive Council, it would be a reasonable fee. I think that the Members across the floor can recognize that if it is not reasonable, nobody is going to do it. We cannot force anybody to do it, so it has to be fair compensation; I guess it is a case of letting free market prevail.

Clause 14 agreed to

On Clause 15

Hon. Mr. Tracey: This was exactly the question that we just dealt with a couple of minutes ago, in regards to the trustee, and what arrangements will be made for the disbursement of the funds.

Clause 15 agreed to

On Clause 16

Hon. Mr. Tracey: This just deals with the fact that the seller can have somebody represent him — say, his lawyer or authorized agent, to complete the statements — and, if it is a partnership, then 16(2) deals with that. Each partner must sign the paper; Section 16(3) just deals with the affidavit, which may be made only by a person who has personal knowledge of the facts sworn, so he cannot be somebody who does not know, and is only taking the word of the seller. He has to have personal knowledge of what he is swearing to.

Clause 16 agreed to

Mr. Veale: Just a question on that Section.

Mr. Deputy Chairman: It is cleared. I may have to go back. Do I have the consent of the Committee?

Agreed

On Clause 16

Mr. Veale: I just noticed that Section 16(1) deals with the officer, director, or manager of a Corporation. I wonder if the Minister would consider whether or not the word "accountant" should be put in, because quite often the personal knowledge, in a place like Yukon, would be with the accountant, as opposed to officers, directors, or managers? Has the Minister considered that?

Hon. Mr. Tracey: I think that the accountant could be the authorized agent. It could be either an authorized agent or it could be an officer, director or manager of a Company, so the accountant is also covered. He could be authorized by the Board of Directors to be their authorized agent.

Clause 16 agreed to

On Clause 17

Hon. Mr. Tracey: Mr. Chairman, this deals with the obligations of the buyer. If the buyer has not conformed under Section 13, this makes it very plain that he has accepted the liability.

Clause 17 agreed to

On Clause 18

Hon. Mr. Tracey: Mr. Chairman, I think 18 is self-explanatory.

Clause 18 agreed to

On Clause 19

Clause 19 agreed to

On Clause 20

Clause 20 agreed to

On Clause 21

Clause 21 agreed to

On Clause 22

Clause 22 agreed to

On the title

Title agreed to

Hon. Mr. Tracey: Mr. Chairman, I move that you record Bill No. 67, *Bulk Sales Ordinance* cleared out of Committee without amendment.

Mr. Deputy Chairman: You have heard the Motion, do you agree?

Agreed

Mr. Deputy Chairman: I declare Bill Number 67, *Bulk Sales Ordinance*, cleared out of Committee without amendment.

At this time I think we should have a brief recess.

Recess

Mr. Deputy Chairman: I call the Committee of the Whole to order.

We will be debating Bill Number 69, *Warehouse Receipts Ordinance*, Clause 1.

Hon. Mr. Tracey: I think that I have said just about everything that I could possibly say on this in Second Reading.

I suggest that we just pass the whole Bill right now.

Mr. Veale: I wonder if the Minister could just add two words to the one word he said about this Bill.

Could he describe where the demand is coming from for this legislation? What particular sector of the economy of the Yukon is making a demand for this? Are there any warehousemen in the Territory, at the present time, that have come forward seeking this legislation?

Hon. Mr. Tracey: If you take one of the companies in the Yukon, Polaris Moving, it says right on their bill of lading that this is subject to the *Warehouse Receipts Ordinance*. We do not have a *Warehouse Receipts Ordinance* in place in the Yukon right now.

This is to protect not only the warehousemen, but also the person who has his property in the warehouse. The *Warehouse Receipts Ordinance* also akes it possible for a corporation to sell items that are in a warehouse, say in Vancouver or anywhere else. As long as they have the legal paper, they can sell those items in the warehouse. Under the existing circumstances in Yukon, they legally cannot do that. They do not have the legal capability to do it.

Mr. Veale: Just as a general point, the Minister did not answer: where is the demand coming from for the legislation? I accept the proposition that it is probably very useful for the household movers, but what about negotiating the receipts and so on. Has there been a demand for this kind of legislation?

Hon. Mr. Tracey: No, this is brought about by the Government side of the House. It is to protect the warehousemen and people who have their property in the warehouse.

Clause 1 agreed to

On Clause 2

Mr. Kimmerly: I would ask the Minister about the second definition, "fungible goods". This is a new word for me, and I have read the definition of that particular phrase, and I cannot for the life of me understand it. I wonder if the Minister would explain it to me.

Hon. Mr. Tracey: Yes, "fungible goods" means something that can be replaced by another item. A good example would be gasoline in a storage tank. You put 500 gallons in; you have a receipt for it. You have it stored. Somebody else puts another 500 gallons in, and it does not matter which 500 gallons was taken out of there — it is all gasoline. That is fungible goods.

Mr. Veale: So, just from definition of warehouseman, I assume that there is no requirement for any registration, or anything of that nature. A warehouseman is a person who calls himself a warehouseman, and has a warehouse, and hands out receipts for goods he accepts on deposit.

Hon. Mr. Tracey: Yes, he has to be licensed, of course. He has to have a business license, because he is running a business.

Mr. Kimmerly: Does the definition of "warehouseman" include, for example, a person who receives a car in their garage, at a monthly rental fee?

Hon. Mr. Tracey: I do not believe so. I could not give you an exact answer to that, but I do not believe so, no. To be quite frank with you on this one, I would have to check it out with my Department.

Mr. Deputy Chairman: Does the Committee wish to have Clause 2 stand over until the Minister comes back with that answer?

Hon. Mr. Tracey: The Member from Whitehorse Riverdale South pointed out that the word "goods" includes all chattels, personal and other things in action, such as cheques and money. Under those circumstances, yes, somebody who is storing a car for a fee would be a warehouseman.

Clause 2 agreed to

On Clause 3

Hon. Mr. Tracey: This just details that the receipt must contain the location of the warehouse, the person, the name of the company, and so on and so forth.

Mr. Byblow: The question might be of a more general nature, but at this point how many organizations or firms does this Ordinance really apply to? It cannot be that many.

Hon. Mr. Tracey: Yes, Mr. Chairman, it applies to anybody who stores goods or materials for a fee.

Mr. Veale: I gather that it is not the intention of the Government to actually have a standard receipt that a warehouseman would use, or publish any document that would give some direction. Is that the case, or is it the intention to provide for that in the regulations?

Hon. Mr. Tracey: No, I think that for, say, a furniture moving company, it would already have a standard form. For the rest, it would be incumbent on them to make sure that they design the receipt that has all of the particulars on it that are laid out in the Ordinance.

Mr. Veale: I guess the only concern I have is that the warehouseman who actually received one item, whether it be a D-8 Cat, or whatever, would be storing for hire and may not be aware of the provisions, and may not realize that he is, in fact, becoming a warehouseman; I wonder how the Government will make sure that that kind of person is really informed as to the implications of this Ordinance?

Hon. Mr. Tracey: Mr. Chairman, we will make sure that there is an advertising campaign carried out. We will even put it into Yukon Info.

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Hon. Mr. Tracey: This just deals with a lost receipt. You can get a duplicate receipt and it must be marked "duplicate" on the face of it.

Clause 5 agreed to

On Clause 6

Hon. Mr. Tracey: This just deals with a non-negotiable receipt. If a warehouseman issues one, it must be marked non-negotiable on it, so that someone cannot try to sell a receipt, or transfer the goods to someone else.

Clause 6 agreed to

On Clause 7

Hon. Mr. Tracey: Clause 7 deals with the onus that is put on the warehouseman to deliver the goods that are sold, or to deliver the goods that are named on the receipt. If the person who has the receipt comes and claims the goods in the warehouse, the onus is on the warehouseman to deliver the goods that are on the receipt.

Clause 7 agreed to

On Clause 8

Hon. Mr. Tracey: This deals with a negotiable receipt that has been endorsed over to him, so that he can deliver the property that is in the warehouse to someone else. The onus is on him, again, to deliver the goods that are on that receipt.

Clause 8 agreed to

On Clause 9

Hon. Mr. Tracey: This section deals with the liability of the warehouseman. If someone presents a receipt to him and he delivers the goods, the onus is on him to make sure he has received the receipt. Otherwise, he is liable, if someone else comes in at a future date to claim the same goods. The onus is put on the warehouseman to make sure that the transaction has gone through totally within the regulations. Otherwise, he is going to be liable to any second person who comes along, if there is one.

Clause 9 agreed to

On Clause 10

Hon. Mr. Tracey: This deals with the person who has lost his receipt and he goes to Court to get it replaced. He gets an application to the Court to have his receipt reinstated, because he has lost the receipt. Then the warehouseman is protected, if he releases the property on that receipt that has been given to him by the Court, and he is not liable for the original receipt should somebody else present it.

Clause 10 agreed to

On Clause 11

Hon. Mr. Tracey: This deals with the warehouseman. If someone presents a receipt to him, and he is fairly sure in his own mind that the person who is presenting the receipt does not have the right to it, he has the right to hold up the proceedings until he can ascertain whether the person received that receipt validly.

Clause 11 agreed to

On Clause 12

Hon. Mr. Tracey: Clause 12 deals with the receipt. Whoever is the holder of the receipt has the right to the property that is in the warehouse. It is his right to go to the warehouse and claim that property, and it is the warehouseman's responsibility to release it to him.

Clause 12 agreed to

On Clause 13

Hon. Mr. Tracey: This deals with goods in the warehouse that are in packages. The packages are to be identified by labels, so that the warehouseman does not have to open the box. They are labelled and the items are itemized on the receipt. When we dealt earlier with what was included on the receipt, this was part of it. The onus is on the person who put the material in the warehouse to itemize what is in the boxes, and seal them, and it is not incumbent upon the warehouse manager to open them, or anything else, to disburse them to somebody else.

Clause 13 agreed to

On Clause 14

Hon. Mr. Tracey: Clause 14 is fairly self-explanatory. The onus is on the warehouseman to make sure that he takes good care of the material that he has in storage.

Mr. Byblow: What is the recourse, if there is a dispute in this?

Hon. Mr. Tracey: The same recourse there is with anything else. Go to court, give the lawyers some business.

Clause 14 agreed to

On Clause 15

Hon. Mr. Tracey: The Member from Whitehorse South Centre asked me what "fungible goods" were, and I explained what "fungible goods" were. This is the authorization for the warehouseman to dispense — for example, gasoline, if that was what the receipt was for — and it does not matter whether it is the exact gasoline that was put into the tank, or not. As long as it is gasoline, the warehouseman has the right to dispense it.

Clause 15 agreed to

On Clause 16

Hon. Mr. Tracey: This deals with goods that are in the warehouse, when there is some legal complaint going on in the Court, or whatever. The warehouseman does not have to release goods that are in the warehouse until he has received a receipt.

Clause 16 agreed to

On Clause 17

Hon. Mr. Tracey: Clause 17 is self-explanatory. The warehouseman has no lien on the goods except the lien for storage.

Clause 17 agreed to

On Clause 18

Hon. Mr. Tracey: This deals with the warehouseman's right to dispose of perishable goods, if they are deteriorating.

Mr. Falle: Section 18(2) refers to a public or private sale. Would you explain that?

Hon. Mr. Tracey: With perishable goods, there is not time to advertise, or hold a public auction. It is imperative that they be disposed of immediately, so they can be sold either publicly or privately.

Mr. Veale: I have some concern that once once registered mail is sent, the day following the mailing is the day that a person is deemed to have been given notice. I wonder if, everywhere in the Territory, registered mail can be delivered, and received the day following?

Hon. Mr. Tracey: No, a person is not likely to receive it the day following, but this is making certain that a person is notified by registered mail that his perishable goods are to be, or have been, disposed of, so that he knows what has happened. It is reasonable notice.

Clause 18 agreed to

On Clause 19

Hon. Mr. Tracey: Clause 19 is self-explanatory.

Clause 19 agreed to

On Clause 20

Hon. Mr. Tracey: Mr. Chairman, this deals with negotiable receipts and the warehouseman's responsibility to deliver the goods which are on a negotiable receipt. If the receipt is sold, or is signed by the party that owns the goods, it is incumbent on the warehouseman to deliver the goods to the person who has that receipt and presents it to him.

Clause 20 agreed to

On Clause 21

Hon. Mr. Tracey: Mr. Chairman, this deals with negotiable receipts that a person has sold. If I had some furniture in a warehouse and it was not a negotiable receipt, I could sell the furniture to a person, but it is incumbent upon me to notify the warehouseman that I have sold it, and that he may deliver them to the person who has bought it.

Clause 21 agreed to

On Clause 22

Hon. Mr. Tracey: Mr. Chairman, Clause 22 deals with the person who has received a negotiable receipt. The title to the goods that are on that negotiable receipt is then transferred to him, and that person who has received those goods has all the rights to the goods, and the right to notify the warehouseman. The warehouseman will be notified in writing that the goods have been transferred to this person.

Clause 22 agreed to

On Clause 23

Hon. Mr. Tracey: Section 23 deals with the title to the goods, once the receipt has been negotiated and sold to this person. He receives full title to the property, and he also receives the obligations to the warehouseman.

Clause 23 agreed to

On Clause 24

Clause 24 agreed to

On Clause 25

Clause 25 agreed to

On Clause 26

Clause 26 agreed to

On Clause 27

Clause 27 agreed to

On Clause 28

Clause 28 agreed to

On Clause 29

Hon. Mr. Tracey: In Clause 29, once a receipt has been negotiated, the seller loses all claim against the goods. Once he has signed that negotiable receipt over to someone else, he loses all claim to them. The total claim then rests with the person who has purchased the negotiable receipt.

Clause 29 agreed to

On Clause 30

Clause 30 agreed to

On Clause 31

Clause 31 agreed to

On the title

Mr. Deputy Chairman: The Commissioner of Yukon by, and with the advice and consent of the said Territory, enacts as follows, Bill Number 69, *Warehouse Receipts Ordinance*. Do you accept the title?

Title agreed to

Hon. Mr. Tracey: I move that you report Bill 69 out of Committee without amendment.

Mr. Deputy Chairman: You have heard the Motion. Do you agree?

Motion agreed to

Mr. Hanson: I move that you do now report progress on Bills, and that you beg leave to sit again.

Motion agreed to

Mr. Hanson: I move that Mr. Speaker do now resume the Chair.

Motion agreed to

Mr. Speaker takes the Chair

Mr. Speaker: I will now call the House to Order. May we have a report from the Chairman of Committees.

Mr. Fleming: The Committee of the Whole has considered Bill 67, *The Bulk Sales Ordinance*, and Bill 69, *Warehouse Receipts Ordinance*, and directed me to report the same without amendment. Further, it has considered Bill 70, *First Appropriation Ordinance, 1982-83* and directed me to report progress on same and beg leave to sit again.

Mr. Speaker: You have heard the report of the Chairman of Committees. Are you agreed?

Motion agreed to

Mr. Speaker: Leave is so granted. May I have your further pleasure.

Mr. Byblow: I move, seconded by the Honourable Member for Campbell, that the House do now adjourn.

Mr. Speaker: It has been moved by the Honourable Member for Faro, seconded by the Honourable Member for Campbell, that we do now adjourn.

Motion agreed to

The House adjourned at 9:21 p.m.

The following Sessional Papers were tabled Monday, November 23, 1981

81-4-33

Telex to Prime Minister of Canada re aboriginal rights in the Canadian Constitution

81-4-34

Telex from Patrick McDonald of the Prime Minister's Office, acknowledging Speaker Taylor's telex